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AMENDMENTS TO THE CONSTITUTION: A BRIEF LEGISLATIVE HISTORY

PREPARED FOR THE USE OF THE

SUBCOMMITTEE ON THE CONSTITUTION

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

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LETTER OF TRANSMITTAL

U.S. Senate,
Subcommittee on the Constitution,
Committee on the Judiciary,
Washington, DC, July 19, 1985.

Senator Strom Thurmond,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Chairman Thurmond: This letter is to request your authorization to have printed a publication which has been prepared by the Subcommittee on the Constitution, in conjunction with the Congressional Research Service of the Library of Congress. The publication is entitled "Amendments to the Constitution: A Brief Legislative History," and is intended to serve as a reference work to the various amendments which have been added to our Constitution since its ratification in 1789. In my opinion, this work will be useful to Members of Congress and their staffs, as well as to the general public, in providing valuable information in a concise and convenient form. Thank you for your consideration of this request.

Sincerely,

Orrin G. Hatch, *Chairman,*
Subcommittee on the Constitution.

FOREWORD

This print entitled "Amendments to the Constitution: A Brief Legislative History" has been prepared by the Subcommittee on the Constitution, in conjunction with the Congressional Research Service.

The evolution of our Constitution through the amendment process reflects important events and influences in this Nation's history. This publication will serve as an informative and authoritative reference to the various amendments which have been added to the U.S. Constitution. I believe it will prove to be a valuable resource to Members of Congress, their staffs, and the general public in the study of the development of our Nation's supreme law.

STROM THURMOND, *Chairman,*
Committee on the Judiciary.

PREFACE

In order for a democratic government to thrive, it must have the ability to change and to improve. The Framers of the U.S. Constitution understood this fundamental principle. They carefully prescribed and institutionalized methods by which the Constitution might be amended, methods contained in article V of that document. The peaceful, orderly way in which the United States has been able to amend the Constitution, thus adjusting the basic structure of its government, testifies to the foresight of those Founding Fathers.

In this way, the amendments to the U.S. Constitution appear as more than mere footnotes to that document; they contain their own intrinsic value and significance. Their history is the history of the United States, the course and evolution this Nation has undergone in the nearly two centuries that have elapsed since the ratification of the Constitution in 1789. Each amendment says something about the concerns of a generation, whether it be prohibition in 1919, or lowering the voting age to 18 in 1971. Yet each amendment also influences the thoughts and even the ideals of succeeding generations. Although interpretations of the Bill of Rights may vary, we today accept as uncontestable the basic civil freedoms which it guarantees. By understanding the amendments to the Constitution, then, we can also better appreciate our rights and privileges as U.S. citizens—including our right to determine and to shape the form and the principles of the government by which we will be led.

The purpose of this publication is to concisely set forth the history of each of these amendments. The discussion of each amendment includes its text, the background that led to its proposal, and the circumstances of its legislative and ratification history. Finally, the appendices include pertinent supplementary material on the legal and political history of the constitutional amendment process.

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AMENDMENTS I-X: "THE BILL OF RIGHTS"

TEXT OF AMENDMENTS

Amendment [I.]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment [II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment [III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time or war, but in a manner to be prescribed by law.

Amendment [IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Amendment [V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment [VI.]

In all criminal prosecution, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment [VII.]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment [VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT [IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT [X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

BACKGROUND

The first 10 amendments to the Constitution, the Bill of Rights, were adopted shortly after the ratification of the original document. They have since become the most well-known and, often, the most controversial sections of the document. Not wholly original to the Founders, the guarantees of individual freedom found in the Bill of Rights were actually a culmination of centuries of development throughout Anglo-American history. They had their birth in the signing of the Magna Carta in 1215 A.D. by King John of England. In the Magna Carta the rights of man, while only indirectly enumerated, were guaranteed "for the first time in English history in a written instrument exacted from a sovereign ruler by the bulk of the politically articulate community which purports to lay down binding rules of law that the ruler himself may not violate."[1]

Along with the Magna Carta, a number of other English charters affected the ultimate evolution of the Bill of Rights. Three of these documents were the Petition of Rights, signed in 1626, the Agreement of the People of 1649, and An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown. The latter of these three, signed in 1689, was also known as the Bill of Rights in English history and no doubt lent its name to the first ten amendments to our own Constitution.[2]

Using these early English documents as models, the American colonies drafted their own charters with the British crown in which they declared their inherent rights as Englishmen. These charters, like their English predecessors, did not specifically enumerate individual rights as the Federal Bill of Rights would later do. However, many of these fundamental privileges can be seen in the early colonial charters as a whole. For example, the Rhode Island charter was the first to guarantee the freedom of religious exercise. The Massachusetts Body of Liberties ensured the freedoms of speech and petition at public meetings, and the right to bail, along with protections from double jeopardy and cruel and unusual punishment. The New York Charter of Liberties guaranteed protection from quartering soldiers in private homes and secured the right to a grand jury indictment. A number of colonial charters, beginning with the Maryland Act for the Liberties of the People, guaranteed the right to due process of law. Other examples of guaranteed liberties among the colonies included the right to a public trial in the West New Jersey Concessions; the right to call witnesses in the Pennsylvania Charter of Privileges; and the right to trial by jury, a guarantee found in virtually all colonial charters.[3]

NOTE.—Footnotes are printed at the end of each chapter. In addition the subcommittee wishes generally to acknowledge the exceptional reference work on this subject by Alan P. Grime: "Democracy and Amendments to the Constitution" (D.C. Heath & Co., 1978).

As the Colonists grew less willing to endure the tyrannical rule of England, the spirit of revolution began to spread throughout America. The war for independence grew increasingly inevitable as the Colonists saw their inalienable rights being threatened by the English crown. Consequently, the Colonists drafted other documents for the purpose of proclaiming more specifically their individual rights. Two such documents were the Declaration of Rights and Grievances of 1765, and the Rights of the Colonists and a List of Infringements and Violations of Rights, in 1772. In 1774, the First Continental Congress organized a committee to draft yet another document declaring both the rights of the Colonists and the infringements of these rights by the Crown. The result was entitled "The Declaration and Resolves of the First Continental Congress," although the title page referred to it as the Bill of Rights.[4]

July 4, 1776 witnessed the culminating action of the colonial grievances. With the adoption of the Declaration of Independence, the Colonists denounced British rule and proclaimed their intention to be free and independent States. Almost immediately, each of the thirteen Colonies met in convention to establish a State constitution. In fact, Virginia had already accomplished this when it adopted the Virginia Declaration of Rights on June 29, 1776. In drafting their constitutions, many of the States decided to attach a separate Bill of Rights: Delaware (1776), Maryland (1776), Massachusetts (1780), New Hampshire (1784), North Carolina (1776), Pennsylvania (1776), and Virginia (1776). Other States—Georgia (1777), New Jersey (1776), New York (1777), and South Carolina (1778)—opted to list individual rights in the bodies of their constitutions.

With the adoption of the New Hampshire Constitution in 1784, virtually all the rights that would be guaranteed in the Federal Bill of Rights were expressed in various State constitutions. For example, the Virginia Constitution of 1776 contained the following rights:

1. Freedom of religion and press.
2. A well-regulated militia.
3. Protection from a standing army during peace.
4. Protection against unwarranted search and seizure.
5. Protections from providing evidence against one's self in criminal proceedings, deprivation of liberty, and seizure of private property for public use.
6. The rights to know the cause of accusation in criminal and capital prosecution, to be confronted by accusers, to call for evidence in one's favor, and to receive a speedy trial by an impartial jury.
7. Trial by jury in suits and controversies.
8. Protection from excessive bail or fines and cruel and unusual punishment.

The Massachusetts Bill of Rights guaranteed additional individual liberties:

1. The right to assemble peaceably.
2. The right to give instruction to representatives, and to request from the state—by way of addresses, petitions, or remonstrances—redress for wrongs committed against individuals.
3. Protection against quartering soldiers in private homes in time of peace without the owner's consent, or in time of war without authorization of the civil magistrate.

The New Hampshire Constitution ensured that:

> No subject shall be liable to be tried, after an acquital, for the same crime or offense.[5]

During the summer of 1787, delegates from then newly created States met to remedy the perceived weaknesses of the Articles of Confederation, which, until that time, had held the States together in a loosely-bound federation of autonomous States. Under the Articles, the central governments' inability to provide for revenue and to enforce laws had produced a burdensome national debt and several interstate disputes that threatened to divide the Union.

By the time the summer sessions and debates had ended, the Convention produced much more than a mere revision of the Articles of Confederation. The new Constitution went far beyond the scope of the Articles of Confederation in establishing a powerful central government—a government that many delegates saw as a potential threat to individual rights. One effort to confront this threat came late in the Convention on September 12, 1787, just five days before the final meeting. The Convention's record reveals that George Mason:

> Wished the Constitution had been prefaced with a Bill of Rights and would second a motion if made for the purpose. It would give great quiet to the people; and with the aid of the state declarations a bill might be prepared in a few hours.
>
> Mr. Elbridge Gerry concurred in the idea and moved for a committee to prepare a Bill of Rights.

Gerry's motion to organize a Bill of Rights committee was soundly defeated by a vote of 10 to 0, the result of at least two important factors.[6] The delegates had worked through one of the hottest summers in the history of Philadelphia and were eager to see their work concluded. The thought of setting up another committee to draft a Bill of Rights and of the ensuing debate that would follow was very unpopular. In addition, Roger Sherman led a successful appeal to convince the Convention that the U.S. Constitution would not infringe on the rights already guaranteed by the State constitutions.

Although initially defeated, the effort to include a Bill of Rights in the new Constitution has just begun. Indeed, it was to play a key role in the debate that began immediately after the signing of the Constitution on September 17, 1787. The debate separated the Nation into two major factions. One was the "Federalists," those who supported the Constitution and the strong national government it created. They were opposed by the "Anti-Federalists," who feared that the document threatened State sovereignty and individual liberties.

On September 28, the Constitution was sent to the States for ratification. Delaware was the first state to ratify on December 2, 1787. The vote was unanimous. However, as the ratification process continued, most of the remaining States did not ratify the Constitution as easily as had Delaware. Rather, nearly every convention witnessed delegates expressing their dissatisfaction with the document in the form of proposed amendments. Pennsylvania, the next State convention to ratify, proposed 15 amendments.[7] In addition, the Massachusetts Convention submitted four new articles as amendments to the Constitution.[8] A committee within the Maryland Convention proposed 28 amendments.[9] South Carolina recommended four amendments,[10] while New Hampshire added twelve.[11]

Most of the State convention delegates who proposed amendments were "Anti-Federalists," determined that, if the Constitution were to be ratified, it should at least be amended to protect the rights of individuals. Consequently, most of the proposed amendments dealt with protecting these rights.

The New Hampshire ratification was significant because it meant that the necessary three-fourths of the States had approved the Constitution. Each of the States knew, however, that unless the large and populous States of Virginia and New York ratified, the newly-formed Union could not succeed. James Madison, Alexander Hamilton, and John Jay, three of the leading "Federalists," led the ratification effort in New York. Their famous essays, collectively entitled "The Federalist," proved to be an invaluable asset in the ratification effort during the New York debates. The numerous essays contained in "The Federalist" convinced a number of key delegates to alter their positions. The New York Convention ratified by just one vote.

In the Virginia Convention, several heated debates once again centered on the issue of amending the Constitution. Some 40 amendments were proposed, 20 of which were intended as a Bill of Rights and would later strongly influence both the nature and writing of the Federal Bill of Rights.[12] Although the Virginia Convention finally ratified on June 25, it was apparent to many of the Nation's leaders that a compromise between the "Federalists" and the "Anti-Federalists" would ultimately be needed for the Government to succeed. It also became equally clear that this compromise would require the inclusion of some kind of Bill of Rights in the Constitution. In fact, North Carolina's Convention voted to delay ratification until a specific Bill of Rights was added to the document.[13]

With the adoption of the Constitution by New York and Virginia, the ratification process was finally completed. Nevertheless, the debate over the Bill of Rights issue continued to rage across the Nation. "Anti-Federalists" and other groups from nearly every State placed intense pressure on the First Congress to take up the problem immediately. This public clamor, along with North Carolina's continuing refusal to ratify, led President George Washington to recommend to Congress in 1789 that they pay special attention to the public demand for a Bill of Rights.[14]

LEGISLATIVE HISTORY

On May 4, 1789, James Madison responded to Washington's instructions when he stood before the Congress and became the first representative to introduce a Bill of Rights.[15] Action on the proposal, however, was deferred until a later time. A month passed, and then on June 8, it is recorded that Madison "rose and reminded the House that this was the day he had heretofore named for bringing forward amendments to the Constitution as contemplated in the fifth article of the Constitution." [16] Madison's proposal initially met with considerable dispute among the Members of Congress. Many felt it too early to amend the Constitution, arguing that the new government had not even had a chance to perform. Madison in turn responded that it was important to demonstrate to the public that Congress was responsive to their demands. He then proceeded to offer a series of amendments which he had collected from numerous recommendations by State legislatures and several already-established State constitutions.[17]

Madison's motion was debated and then referred to the Committee of the Whole. When taken up again on July 21, 1789, a resolution was adopted, referring the amendments proposed by Madison, along with those which had been proposed by the State conventions, to a Select Committee of the House. The Committee, made up of a Member from each State, was instructed to consider and report the matter to the House.[18] One week later, the Select Committee finished its work, and the report was again referred to the Committee of the Whole.[19] The report, although rearranged and rephrased, had retained virtually all the content proposed by Madison.[20]

The report was debated in the Committee of the Whole on August 13-18. It was then sent to the full House, where it was subjected to further debate during the next 4 days.[21] On August 22, another committee was appointed to put the resolutions, as amended by the House, into a final form.[22] After 2 days, the resolution received approval by the House and was sent to the Senate as reproduced below:[23]

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, two thirds of both Houses deeming it necessary: That the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States; all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said constitution: to wit.

"Articles in addition to, and amendment of, the constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

"ART. I. After the first enumeration, required by the first article of the constitution, there shall be one representative for every thirty-thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor less than one representative for every fifty thousand persons.

"ART. II. No law, varying the compensation to the members of Congress, shall take effect, until an election of representatives shall have intervened.

"ART. III. Congress shall make no law establishing religion, or prohibiting the free exercise thereof; nor shall the rights of conscience be infringed.

"ART. IV. The freedom of speech, and of the press, and the right of the people peaceably to assemble and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed.

"ART. V. A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed, but no one relgiously scrupulous of bearing arms shall be compelled to render military service in person.

"ART. VI. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

"ART. VII. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"ART. VIII. No person shall be subject, except in case of impeachment, to more than one trial, or one punishment, for the same offence, nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

"ART. IX. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

"ART. X. The Trial of all crimes (except in cases of impeachment, and in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger) shall be by an impartial jury of the vicinage, with the requisite of unanimity for conviction, the right of challenge, and other accustomed requisites; and no person shall be held to answer for a capital, or otherways infamous, crime, unless on a presentment or indictment by a grand jury; but, if a crime be committed in a place in the possession of an enemy, or in which an insurrection may prevail, the indictment and trial may, by law, be authorised in some other place within the same state.

"ART. XI. No appeal to the Supreme Court of the United States, shall be allowed, where the value in controversy shall not amount to one thousand dollars; nor shall any fact, triable by a jury according to the course of the common law, be otherwise reexaminable, than according to the rules of common law.

"ART. XII. In suits at common law, the right of trial by jury shall be preserved.

"ART. XIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

"ART. XIV. No state shall infringe the right of trial by jury in criminal cases, nor the rights of conscience, nor the freedom of speech, or of the press.

"ART. XV. The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others, retained by the people.

"ART. XVI. The powers delegated by the constitution to the government of the United States, shall be exercised as therein appropriated, so that the legislative shall never exercise the powers vested in the executive or judicial; nor the executive the powers vested in the legislative or judicial; nor the judicial the powers vested in the legislative or executive.

"ART. XVII. The powers not delegated by the constitution, nor prohibited by it to the states, are reserved to the states respectively."

It is interesting to study the modifications that Madison's original proposal underwent during the House committee meetings and debates before it arrived in its final form. During the process, the amendments appeared in at least three forms, including the versions of Madison, the Select Committee, and the final House.[24]

Originally, both Madison and the Select Committee recommended that the amendments be incorporated into the body of the Constitution. However, the Select Committee was not in agreement with Madison's first formal proposal, which would have changed the preamble of the Constitution to read that the power to govern was derived from the people, who retained the privilege of altering its form.

Article I of the approved House resolution related to the apportionment of House members among the States, as had Madison's second amendment and the second paragraph of the Select Committee's report. However, the final version did not include a cap on the size of total House membership, which had appeared in both the Madison and Select Committee proposals. In addition, unlike the original Constitution, which guaranteed each State at least one member in the House, Madison's proposal would have granted at least two representatives to each State.

Article II, stating that no law altering the compensation of members of Congress could be enacted until a subsequent election of

House members was completed, was essentially identical in all three versions.

Article III was based on the first clause of Madison's fourth amendment, which the Select Committee later rephrased. The Select Committee's proposal prohibited laws establishing religion and infringing freedom of conscience. To this, the House added a prohibition against laws denying the free exercise of religion. This change was consistent with Madison's version, which forbade interference with one's civil rights by reason of religious belief or worship. In drafting Article IV, the Select Committee combined the second and third clauses of Madison's fourth proposal concerning the freedoms of speech, press, and assembly.

The right to keep and bear arms, stated in Article V of the House resolution, included the provisions of both Madison and the Select Committee that "no person religiously scrupulous shall be compelled to bear arms" but added the words "in person" at the end. Madison's draft of Article V also stated that the "militia" was "composed of the body of the people."

Article X resulted when the House eliminated from the Select Committee's seventh proposal a provision relating to venue where crimes were not committed within a State. In addition, the phrase "of freeholders" was eliminated after the word "jury." In the final article of the resolution, Article XVII, the House added the phrase "or to the people" after the words "States respectively." It does not, however, appear in the final version as presented to the Senate, although the Senate-approved version later reincorporated the phrase.

At the time of the final House vote, both Madison and the Select Committee were still contemplating the future addition of another article to the Constitution; therefore, their final proposal, that of renumbering the articles was not included in the completed House version. Additional proposals from Madison and subsequent Select Committee versions were incorporated into the final 17 Articles either completely unchanged or with minor changes in phraseology unaffecting the substance of the proposals. Thus they are not mentioned here.

When the House version arrived in the Senate, it was not referred to committee. Rather it was considered by the Senate as a body.[25] As a result of the rejection of some of the articles and the combination of all or parts of others, the number of proposed amendments was ultimately reduced to 12 in the Senate version. The two articles eliminated by the Senate were Article XIV, prohibiting States from infringing upon the right to a trial by jury in criminal cases, or from denying the freedoms of conscience, speech and press; and Article XVI, an express statement of the doctrine of separation of powers.[26]

In addition to striking Articles XIV and XVI,[27] the Senate combined Articles III and IV of the House proposal into Article III, rephrasing the House version and eliminating the reference to rights of conscience.[28] Article V was also amended to eliminate the conscientious objector provision and was renumbered as Article IV. Article VIII, relating to double jeopardy, self-incrimination, due process, and just compensation, was amended to include the provision for presentment or indictment by a grand jury contained in

Article X of the House version. It was also renumbered as Article VII.[29] Article IX of the House proposal, which guaranteed a speedy and public trial, the right of the defendant to be informed of accusations, confrontation, compulsory process and counsel, were included in Article VIII of the Senate version. Article VIII was also amended to include the right to trial in the State or district where the crime was committed, a provision originally part of Article X of the House resolution. Those parts of Article X not included in either Articles VII or VIII of the Senate proposal were eliminated.[30] Finally, Articles XI and XII of the House version were combined by the Senate. In doing so, they dropped the provision limiting appeals to the Supreme Court and restricting the right of jury trial in civil cases to controversies of $20 or more.[31]

Except for renumbering, no changes were made in Article VI (quartering of soldiers), Article VII (search and seizure), Article XIII (excessive bail, fines, and cruel and unusual punishment), or Article XV (enumeration of rights not exclusive). These became, respectively, Articles V, VI, X, and IX of the Senate version and were later ratified by the States as Amendments III, IV, VIII, and IX of the Constitution. The Senate also approved Article I (apportionment) without change, although the Conference later modified the proposal by changing the last "less" to "more." Two other Articles of the 12 which passed the Senate were merely rephrased in Conference, Article III (Amendment I) and Article VIII (Amendment VI). All other changes made by the Senate were accepted by the House.

The twelve proposed amendments submitted to the States for ratification are reproduced here as they appeared in the Journal of the Senate: [32]

> The conventions of a number of the states having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the government will best insure the beneficent ends of its institution:
>
> *Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* two-thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said constitution, viz:
>
> Articles in additon to, and amendment of, the constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.
>
> Article I. After the first enumeration, required by the first article of the constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which, the proportion shall be so regulated by Congress that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.
>
> Art. II. No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of representatives shall have intervened.
>
> Art. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the

press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Art. IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Art. V. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

Art. VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Art. VII. No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Art. VIII. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Art. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Art. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Art. XI. The enumeraton in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Art. XII. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

On September 26, 1789, Congress passed the resolution that sent the 12 proposed amendments to the States for ratification. The resolution, which was submitted to the governors of each State by President George Washington, also appeared in the Journal of the Senate:[33]

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to transmit to the Executives of the several states which have ratified the Constitution. Copies of the Amendments proposed by Congress, to be added thereto; and like Copies to the Executives of the States of Rhode Island and North Carolina.

RATIFICATION HISTORY

For lack of available historical documentation, little is known concerning the ratification debates in the various States. As prescribed in the Constitution, three-fourths of the States were required to ratify amendments, such as the Bill of Rights before they become part of the Constitution. Of the 12 proposed amendments, the first 2 were the only ones not ratified by the necessary three-fourths States. The remaining 10 amendments, Articles III–XII, were ratified by all of the 11 States initially participating in the ratification process. Of these 11 States, six ratified all 12 amendments:

Maryland	Dec. 19, 1789.
North Carolina	Dec. 22, 1789.

South Carolina	Jan. 19, 1790.
Rhode Island	June 7, 1790.
Vermont	Nov. 3, 1791.
Virginia	Dec. 15, 1791.

Two States rejected the first proposed amendment:

Deleware	Jan. 28, 1790.
Pennsylvania	Mar. 10, 1790.

The remaining three States rejected the second proposed amendment:

New Jersey	Nov. 20, 1789.
New Hampshire	Jan. 25, 1790.
New York	Feb. 24, 1790.

Subsequently, the final 10 proposed amendments were ratified by Massachusetts on March 2, 1939; Georgia on March 18, 1939; and Connecticut on April 19, 1939.[34]

The Nation's first test of the amending process officially concluded on March 1, 1792, when Secretary of State Thomas Jefferson sent a note to the governors of the several States. The note announced to the Nation that 10 amendments to the Constitution had been ratified by three-fourths of the States. The controversial Bill of Rights had finally become law. Today, it retains its official title as 1 Stat. 97.

FOOTNOTES TO AMENDMENTS I-X

1. Bernard Schwartz, *The Bill of Rights: A Documentary History*, (New York: Chelsea House Publishers in association with McGraw Hill Book Co., 1971), I:14.
2. *Statutes of the Realm*, V:23, VI: 142.
3. Schwartz, 179-80.
4. *Journals of the Continental Congress*, 1774-1789, Edited by Worthington, Ford, et. al., Washington, D.C.: GPO, 1904), I: 63-74.
5. *The Federal and State Constitution*, Colonial Charters, Edited by Francis N. Thorpe, (Washington, D.C.: GPO, 1909).
6. *The Records of the Federal Convention of 1787*, Edited by M. Farrand, New Haven: Yale University Press, 1911), II: 34-618.
7. *The Debates in Several State Conventions on the Constitution*, Edited by J. Elliot, New York: Ben Franklin, 1836), II: 416-540.
8. *Debate and Proceedings in the Convention of the Commonwealth of Massachusetts*, (1856), II: 78-92.
9. Ibid., II: 547-56.
10. Ibid., IV: 253-340.
11. *Documentary History of the Constitution of the U.S.*, II: 144.
12. *The Debates*, III: 21-663.
13. Ibid., IV: 55-251.
14. *Annals of the Congress of the United States, 1789*, (Washington, D.C.: Gales & Seaton, 1834), I: 27-30.
15. Ibid., I: 248.
16. Ibid., I: 424.
17. Ibid., I: 424-450.
18. Ibid., I: 424-450, 660-665.
19. Ibid., I: 672.
20. Ibid., I: 703-761, 765-777.
21. Ibid., I: 778.
22. Ibid., I: 779.

23. U.S. Congress, Senate, *Journal 1st Congress*, 1st Session, 25 August, 1789, I: 63-64.

24. *Annals of the Congress*, 768: 778-789.

25. U.S. Congress, Senate, *Journal 1st Congress*, 1st Session, 2, 3, 4, 7, 8, and 9, September, 1789, I: 69-78.

26. Ibid., 72-73.

27. U.S. Congress, House, *Journal 1st and 2nd Congress*, 1st and 2nd Session, 1789, 3: 121.

28. U.S. Congress, Senate, *Journal 1st Congress*, 1st Session, 1789-1790, I: 70, 77.

29. Ibid.,

30. Ibid., 71, 77.

31. Ibid., 77.

32. Ibid., 96-97.

33. U.S. Congress, Senate, *Journal 1st Congress*, 1st Session, 26 September, 1789, I: 90.

34. *Virginia Commission on Constitutional Government, The Constitution of the U.S.*, (Richmond), 25.

AMENDMENT XI

TEXT OF AMENDMENT

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

BACKGROUND

The rights of the Federal Judiciary to summon a State as a defendant and to adjudicate its rights and liabilities has been the subject of deep apprehension and debate at the time of the adoption of the Constitution. Many delegates expressed the opinion that Article III, Section 2, Clause 1 of the Constitution did not authorize suits against a State by a private individual without the consent of the State.[1] Article III, Section 2, Clause 1 reads:

> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Despite this constitutional assurance that the Federal Judiciary did not hold power in such cases, the first suit that entered the Supreme Court during its first term in February 1791 was brought against the State of Maryland by a firm of Dutch bankers.[2] As a result, the question of State sovereignty became at once a judicial issue.[3] The two parties, however, later settled in out-of-court negotiations and the suit was discontinued.[4]

The next year, during the 1792 term, the Supreme Court heard two similar cases, one brought by an individual against the State of New York[5] and a suit in equity brought by a land company against the State of Virginia.[6] In the first case, the Court awarded the Plaintiff $5,315.06. The case against Virginia was eventually dismissed after ratification of the Eleventh Amendment. However, each of these suits brought great alarm to the "Anti-Federalists" who had opposed the Constitution, and rekindled their fears that the independence of the States would be lost.[7]

The growing controversy over State sovereignty peaked later during the 1792 Term when the Supreme Court heard the case of *Chisholm* v. *Georgia.*[8] A contemporary newspaper article from the *Salem Gazette* outlines the specifics of the case:

> A citizen had left America prior to the Revolution and removed to Great Britain, after settling a partnership account with two partners in trade whose bonds he took for balance due. After his decease, his executors (who were citizens of South Carolina) on making application for payment found that these two persons who had given their joint bonds had been inimical to the cause of liberty in the United States and their property was confiscated. The executors, alleging that the bond was given previous to the Revolution, applied to the State of Georgia for relief.[9]

On February 5, 1793, the case came before the Court. The State of Georgia refused to appear but presented a written remonstrance of protest through Alexander J. Dallas and Jared Ingersol, both of Pennsylvania. On February 18, with a vote of 4 to 1, the Court rendered a decision "sustaining the right of a citizen of one State to institute an original suit in the Supreme Court against another State for breach of contract." [10]

The decision of the Supreme Court in *Chisholm* v. *Georgia* sent tremendous repercussions throughout the United States. "Anti-Federalists" were once again furious at this latest threat to State sovereignty.[11] At the same time, staunch "Federalists" saw the decision as an opportunity to strengthen the power of the Federal Government.[12]

In response to the *Chisholm* decision, several State legislatures passed resolutions in protest.[13] For example, the State of Georgia passed legislation in its House of Representatives on November 21, 1793, stating that "any Federal Marshal or other person who executed any process issued by the Court in their Case should be declared guilty of felony and shall suffer death, without benefit of clergy, by being hanged." [14]

Legislative History

On February 20, 1793, the U.S. Congress took action to resolve the growing controversy. A motion was made in the Senate for the adoption of an amendment to the Constitution. The initial proposal read:

> The Judicial power of the United States shall not extend to any suits in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.[15]

Consideration of the motion was resumed on February 25, but was then postponed until the following session of Congress.[16]

When the resolution was reintroduced in the Senate on January 2, 1794, it appeared in the form eventually ratified by the States. Once again, however, consideration on the motion was postponed—this time until January 13. On that date, the resolution was finally taken up, and two proposed amendments were debated. One would have excepted from the ban all cases arising under treaties. The other would have extended the Judicial power of the United States to all cases where a State was a party, while prohibiting suits against a State by citizens or subjects of other States or nations where the cause of action arose prior to the ratification of the amendment. Both proposed amendments were defeated, and the resolution passed the next day by a vote of 23 to 2.

The Senate resolution was received one day later in the House of Representatives, on January 15. It was immediately considered in the Committee of the Whole, reported, and passed by the House without amendment, 81 to 9.

Ratification History

When the Eleventh Amendment was adopted by Congress, there were 15 States in the Union. Consequently, ratification by 12 States was required before the amendment would become part of the Constitution. The amendment met with little opposition during the ratification process. In fact, New York ratified within 1 month; and less than 1 year later, North Carolina became the necessary 12th State to approve the amendment on February 7, 1795. The dates of ratification of the Eleventh Amendment by the several States are listed below:

New York	Mar. 27, 1794.
Rhode Island	Mar. 31, 1794.
Connecticut	May 8, 1794.
New Hampshire	June 16, 1794.
Massachusetts	June 26, 1794.
Vermont	Between Oct. 9 and Nov. 9, 1794.
Virginia	Nov. 18, 1794.
Georgia	Nov. 29, 1794.
Kentucky	Dec. 7, 1794.
Delaware	Jan. 23, 1795.
North Carolina	Feb. 7, 1795.
South Carolina	Dec. 14, 1797.

New Jersey, Pennsylvania, and Tennessee, each of which had been admitted to the Union as of June 1, 1796, took no action on the amendment.[17]

The Eleventh Amendment appears officially as 1 Stat. 402.

FOOTNOTES TO AMENDMENT XI

1. *U.S. Reports*, Hans v. Louisiana, 1890, Washington, 134: 1.

2. *U.S. Reports*, Vanstophorst v. Maryland, 1791, Washington, 2: 401.

3. Charles Warren, *The Supreme Court in U.S. History*, (1935), I: 91.

4. National Archives, *Minutes to the Supreme Court of the United States*, 5 August, 1792.

5. *U.S. Reports*, Oswald v. New York, 1791, Washington, February, 1792, 2 US 401.

6. *U.S. Reports*, Hollingsworth v. Virginia, 1798, Washington, February, 1798, 3 US 378.

7. James Sullivan, *Observation Upon the Government of the United States*, (Boston: S. Hall, 1791), 9;55.

8. *2 U.S. Report*, Chisolm v. Georgia, 1792, Washington, August, 1792, 419.

9. "Philadelphia Dispatch," *Salem Gazette*, 6 March, 1793.

10. Samuel Bayard, *Dunlap's American Daily Advertiser*, 21 February, 1793.

11. "Philadelphia Dispatch," *Connecticut Courant*, 25 February, 1793; *Providence Gazette*, 2 March, 1793, 3.

12. *Columbia Centinel*, 31 July and 3, 7, and 10 August, 1792.

13. Clyde E. Jacobs, *The Eleventh Amendment and Sovereign Immunity*, (1972), 179-180.

14. Herman v. Ames, *State Documents on Federal Relationships*, (1911).

15. U.S. Congress, Senate, *Journal 1st and 2nd Congress*, 20 January, 1793.

16. Ibid., 25 February, 1793, 494.

17. *Virginia Commission on Constitutional Government, The Constitution of the United States*, (Richmond: 1965), 27.

AMENDMENT XII

TEXT OF AMENDMENT

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President when ever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

BACKGROUND

After much debate and controversy at the Constitutional Convention of 1787, the Framers of the Constitution finally agreed on a procedure for the selection of the President and Vice President of the United States. The method prescribed by the Founders appears in Article II, Section 1, Clause 2 of the Constitution:

> The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and the House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such a Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the

greatest number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

This procedure established by the Framers for choosing the President and Vice President had three stipulations. First, each State legislature would be free to determine the mode of appointing its electors. Second, the number of electors chosen from each State would be equal to the total number of Senators and Representatives alloted to that State. Third, the electors, at the time of their selection, were not allowed to be members of the U.S. Congress or to hold any other kind of Federal office.

The electors were to remain in their home State and cast ballots for two persons, one of whom was to be from a State other than their own. After the electors had cast their ballots, the person receiving the greatest number of votes (assuming a majority) would be declared President, while the individual with the next greatest number of votes would serve as his Vice President. In cases where no one candidate received an absolute majority, or where a tie resulted between two candidates receiving a simple majority, the House of Representatives would be called upon to elect the President from among the five candidates receiving the most votes. In such cases, each State would be alloted just one vote.

The primary intent of the Founders with regard to the election of the President and the Vice President was to prevent a distinction between the two offices. They envisioned the Vice President as an "Assistant President," whose office was to be equal in scope and power to that of the President. The Framers did not forsee the rise of political parties and the dominating influence these parties would later exert in presidential elections.[1]

The purpose of the Twelfth Amendment was to mend the complications that arose within the electoral process as political parties became increasingly active in the American political system. The Amendment remedied these complications by stipulating that the electors would cast separate ballots for the President and the Vice President, thereby avoiding the conflict that resulted when members of different political parties served in the Executive Office at the same time.

The problems inherent in the Constitution's non-partisan electoral system became apparent during the first presidential election in 1788.[2] Instead of casting their votes equally for their two favorate choices for President, as the Framers had intended, the electors voted separately for a President and a Vice President.[3] George Washington easily won the Presidency in the first election; however, John Adams was barely elected the Nation's first Vice President, receiving just 34 of the 69 electoral votes. Adams shared the total number of votes with eleven other candidates. It was fortunate for Adams that no constitutional provision required an absolute majority for the election of the Vice President.

Growing support for presidential candidates by political parties became increasingly evident during the 1792 Election. However, it was not until the election of 1796 that the problem became particularly threatening. In the race for the Presidency, the Republican coalition supported Thomas Jefferson for President and Aaron Burr for Vice President. The Federalists, on the other hand, lent their support to the ticket of John Adams and General Thomas Pickney. Although Adams was the candidate seeking the Presidency, many of the Federalist leaders preferred Pickney for President and quietly worked to manipulate the electors' votes toward that end.[4] These manipulative attempts by the Federalist leadership failed, however, and Adams won the Presidency with 71 votes, one vote more than the required majority. Thomas Jefferson became the Nation's second Vice President, receiving just three votes fewer than Adams. As a result, the Executive Office was filled by two men representing different party coalitions.

In the presidential election of 1800, both the candidates and the parties supporting them were identical to those 4 years earlier. As election day grew near, James Madison foresaw a possible tie between the favored Republican candidates, Jefferson and Burr. Because of the increasing tendency toward partisan voting, Madison felt sure that all those electors voting for Jefferson would also cast their ballot for Burr.

On February 11, 1801, when the President of the Senate opened and tallied the electors' votes, Madison's prediction was confirmed. The count showed 73 votes for Jefferson and 73 for Burr. According to Article II, Section 1 of the Constitution, "if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President." In compliance with this constitutional mandate, the vote immediately went to the House of Representatives to decide the next President. However, complicating the House's efforts to "immediately chuse" the new President was the fact that many electors who had previously favored Adams were now voting for Burr in an attempt to prevent Jefferson from becoming President. It was not until 7 days and 36 ballots later that Jefferson finally won the majority vote and the Presidency.[5]

Following the controversial election of 1800, America's public and many of its leaders adamantly voiced their dissatisfaction with the presidential electoral system. For example, several newspapers demanded that the Constitution should be amended in order that "such scenes" would not take place again.[6] Even Jefferson, in his writings before 1800, had stated that a change was needed in the prescribed constitutional election procedure.[7] In addition, a number of State legislatures felt a revision was necessary and recommended that Congress introduce legislation to amend the electoral process.

On February 19, 1802, the State of New York sent to Congress an amendment proposal that would (1) divide States into districts for the selection of electors and (2) provide separate ballots for President and Vice President. That same day, the House of Representatives motioned to consider the amendment and subsequently referred it to the Committee of the Whole.[8] The Committee considered the amendment on May 1, but because the session was nearing adjournment, further action on the proposal was postponed. Despite the Committee's decision, the House immediately proceeded with further consideration of the amendment. The resolution quickly passed the House and was sent to the Senate.[9] On May 3, the Senate voted on the amendment without debate. The measure was defeated when it fell short of receiving the necessary two-thirds majority.[10]

On January 3, 1803, another amendment was introduced in the House of Representatives. Like the previous resolution, this one provided that electors cast separate ballots for President and Vice President. Again, the measure was referred to the Committee of the Whole, where it was decided to postpone action until the first Monday of November.[11] The reason for such a lengthy delay was that the Republicans, who supported the amendment, lacked a majority and hoped to have one in the next Congress.

LEGISLATIVE HISTORY

When the 8th Congress convened, the Republicans for the first time had a majority large enough to pass an amendment to the Constitution. Consequently, resolutions were quickly introduced in both the House and the Senate to amend the electoral college.[12] The House version, referred to the Committee of the Whole on October 17, 1803, read, "That in all future elections of President and Vice President, the persons shall be particularly designated by declaring which is voted for as President and Vice President." [13] The Committee considered the amendment on October 19 and 20, and added a paragraph to the proposal. The new paragraph stated that if no candidate received an absolute majority of the electoral vote, the House would choose a President from the five candidates receiving the most electoral votes.[14]

The proposal, as amended by the Committee of the Whole, was next referred to a Select Committee of Seventeen. The Select Committee proposed this substitute measure:

> In all future elections of President and Vice President, the Electors shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; of whom one at least shall not be an inhabitant of the same State with themselves. The person having a majority of all the Electors for President shall be President; and if there shall be no such majority, the President shall be chosen from the highest number, not exceeding three, on the list for President, by the House of Representatives, in the manner directed by the Constitution. The person having the greatest number of votes as Vice President shall be Vice President; and, in case of an equal number of votes for two or more persons for Vice President, they being the highest on the list, the Senate shall choose the Vice President from those having such equal number, in the manner directed by the Constitution.[15]

The resolution was reported back to the House on October 22 and was once again referred to the Committee of the Whole, where it was debated on October 24, 26, and 27.[16] The debate resulted in just one amendment, which stated that the House could, when the presidential choice devolved upon it, choose from the five highest rather than the three highest on the list of candidates.[17] Finally, on October 28, the version reported by the Select Committee, as amended by the Committee of the Whole, was passed by the House of Representatives, 88 to 31.

The Senate Resolution to amend the Electoral College was introduced on October 21, 1803.[18] The proposal was more detailed than the original House version. Essentially, it repeated the provisions [illegible] selection of the President and Vice President contained in Article II, Section 1, Clause 3, with two modifications. First, it called for separate balloting for the two offices; second, it added a provision requiring a quorum of two-thirds and a majority of the whole number of Senators when breaking a tie in the vote for Vice President. In addition, it left a blank before the phrase "highest on the list" of candidates from which the House might select a President.[19]

When the measure was debated before the Senate, two amendments were proposed. One provided that in the next presidential election no person should be eligible who had previously served as President for more than 8 years. It also stipulated that, in future elections, no one could serve as President for more than 4 years in any 8-year period. The second amendment required that the Vice President be elected by a majority of the Electoral College.[20]

The measure was reported, as amended, to a Select Committee of the Senate on October 22, 1803. Two days later, the measure was reported back to the Senate, and further debate on the proposal began.[21] This was the status of the resolution when the House version was received in the Senate. On November 16, the Senate decided to take up both the House and the Senate Resolutions on November 22.[22]

On November 23, an amendment, in the nature of a substitute for the original Senate proposal, was approved by the Committee of the Whole in the Senate. It followed the House version, except that it reduced from five to three the number from which the House could select a President and added a provision stating that no one ineligible to be President could be Vice President.[23] On the following day, a motion to refer the matter back to the Select Committee was rejected, and a motion to reconsider was adopted.

Senate consideration continued on November 24, 25, 28, 29, 30 and December 1 and 2, 1803.[24] The resulting floor modifications included a provision requiring for the office of Vice President, either an electoral vote majority or a selection by the Senate for the two highest candidates. The amended resolution also included provisions expressly stating the quorum and vote requirements when election of the Vice President or President devolved upon the Senate or House,[25] and a provision to have the Vice President act as President if the House should be unable to arrive at a choice before the beginning of the next term. Among the proposed floor amendments rejected by the Senate was one that would have abolished the office of Vice President. Finally, after several days of lengthy debate, the Senate approved the resolution on December 2, 22 to 10.

On December 5, the Senate sent the measure back to the House. It was debated in the Committee of the Whole on December 6 and 7, and on the House floor on December 7 and 8.[26] The resolution was approved by the House on the 8th without amendment, 83 to 42.[27] During the House debates, some seven amendments were rejected. Two were ostensibly designed to abolish the office of Vice President; one would have eliminated the provision directing the Vice President to act as President in cases when no presidential selection had been made before the beginning of a new term; and another would have added a provision dividing the States into electoral districts.[28]

Much of the debate in both Houses of Congress focused on three key issues. First, the small States were concerned with the number of candidates from which the House could choose when no one candidate received an absolute majority. When amendments were proposed limiting the number of candidates from five to three, the small States objected, fearing that such a change would hurt their chances of having at least one of their favorite candidates on the House ballot. Second, some members of Congress feared that the selection of the Vice President as a separate candidate would make the position merely an honorary post and not an "Assistant President" as the Framers had intended. Finally, the rise of political parties in American politics was another concern to many in Congress. The problems, as well as the benefits, associated with party involvement often became a matter of heated debate on the House and Senate floors.

RATIFICATION HISTORY

Four days after the Twelfth Amendment was passed in Congress, it was sent to the governors of each State for ratification. It was hoped that the amendment could be ratified before the 1804 presidential elections.[29] The States responded quickly. At the time, the United States totaled 17, meaning that 13 states were required to ratify the Twelfth Amendment. When, in June of 1804, New Hampshire became the 13th State to ratify, the governor of the State vetoed the act.[30] Consequently, final ratification of the amendment was delayed until the next month, when Tennessee voted to ratify. Below are the ratification dates of each of the States:

North Carolina	Dec. 21, 1803	New York	Feb. 10, 1804
Maryland	Dec. 24, 1803	New Jersey	Feb. 22, 1804
Kentucky	Dec. 27, 1803	Rhode Island	Mar. 12, 1804
Ohio	Dec. 30, 1803	South Carolina	May 15, 1804
Virginia	Dec. 31, 1803	Georgia	May 19, 1804
Pennsylvania	Jan. 5, 1804	[New Hampshire	Jun. 15, 1804]
Vermont	Jan. 30, 1804	Tennessee	Jul. 27, 1804

Delaware, Connecticut, and Massachusetts refused to ratify the Twelfth Amendment on the grounds that it threatened the voting power of the smaller States. It was not until 1961 that Massachusetts finally voted to ratify the Amendment.[31]

On September 25, 1804, Secretary of State James Madison declared that the Twelfth Amendment had been ratified by the requisite number of States and was, therefore, part of the Constitution.

The Twelfth Amendment appears officially as 2 Stat. 306.

FOOTNOTES TO AMENDMENT XII

1. House, Loabel, *Study of the Twelfth Amendment of the Constitution of the United States*, (Philadelphia: Loabel House, 1901).

2. In the first elections the electors would vote in their states late in the year, and the President of the Senate would count them in Congress early in February of the following year. For this reason, there often appears different dates for the election.

3. *The Pennsylvania Packet*, (Philadelphia: John Dunlap & David C. Claypoole, 1789).

4. *Life of Rufus King II*, (1796), 110–112.

5. *Annals of the Congress of the United States*, 1801, (Washington, D.C.: Gales & Seaton, 1851), X: 1025.

6. *Aurora,* 20 February, 1801.

7. *Writings of Thomas Jefferson,* VII: 474, 478, 490, 491.

8. *Annals of the Congress,* 1802, XI: 603.

9. Ibid., II: 1285-1295.

10. Ibid., II: 303.

11. Ibid., XII: 304, 481-486.

12. These proposals were an outgrowth of the election of 1800 when the Republican candidates for President and Vice-President each received one vote from every Republican elector, throwing the election into the House of Representatives.

13. *Annals of the Congress,* 1802, XII; 372.

14. Ibid., 374-377, 380-381.

15. Ibid., 383.

16. Ibid., 420-431, 490-495.

17. Ibid., 496-497.

18. Ibid., 515-545.

19. Ibid., 16-17.

20. Ibid., 19-20.

21. Ibid., 22-25.

22. Ibid., 27-78.

23. Ibid., 81-90.

24. Ibid., 91-210.

25. Ibid.

26. Ibid., 646-776.

27. Ibid., 776-777.

28. Ibid., 663-686.

29. Ibid., 1803, XIII: 214.

30. John Bach McMaster, *History of the People of the United States,* (New York: D. Appleton and Co., 1883-1913), III: 187.

31. *Journal of the House of Representatives of Delaware,* (13 January, 1804), 27; *National Intelligencer,* (1 February, 1804); Ibid., 6 June, 1804.

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AMENDMENT XIII

TEXT OF AMENDMENT

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

BACKGROUND

The Thirteenth Amendment was the first of the constitutional amendments to increase the jurisdiction of the Federal Government in discriminatory issues by overruling State law. This amendment was to become the first step in a lengthy series of constitutional expansions of power, ensuring that the inalienable rights of man, as stated by the Founding Fathers, "be not withheld from any person on account of race, color, or creed."

The institution of slavery had been a source for heated debate both as a moral and an economic issue since its advent in the colonial era. Despite strong opposition to slavery by many groups, few propositions to abolish it by constitutional amendment appeared before 1860. In 1818, Arthur Levermore introduced one of the few early resolutions attempting to prohibit slavery. The measure failed to receive even initial consideration in the House of Representatives.[1] In 1839, John Quincy Adams of Massachusetts tried unsuccessfully to introduce three separate amendments that would have abolished hereditary slavery after 1842, restricted admittance of slave States into the Union, and abolished slavery in the District of Columbia after 1845.[2]

The years immediately preceding the Civil War brought a change in the Nation's political attitudes and social conditions. Slavery was no exception. Over 200 amendments relating to the issue of slavery were introduced in the first session of the 36th Congress in 1860-61. Many of these proposals were attempts to protect slavery, while others were compromise measures designed primarily to prevent a permanent division of the States. These amendments ranged in scope from the returning of fugitive slaves to their owners to restricting Congress from passing legislation against slavery. The latter of these two, introduced as H.J. Res. 80 in the 36th Congress, passed both Houses of Congress but failed to receive the required State ratifications.[3]

With the secession of the Southern States from the Union and the subsequent outbreak of the Civil War in April of 1861, the controversy over slavery intensified. A necessary consequence of the Southern State's secession was their forfeiture of representation in Congress. As a result, Congressmen advocating the abolition of slavery faced little opposition, and they were quick to act. On April 16, 1862, Congress abolished slavery in the District of Columbia.[4]

In June, the law was extended to include all of the Nation's territories.[5]

In September of 1862, President Lincoln, acting as Commander in Chief during a time of war, issued the Emancipation Proclamation, which was to become effective on January 1, 1863.[6] The Proclamation declared that all people held in slavery "are, and henceforth shall be, free; and the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said power."

The Emancipation Proclamation was contested on several grounds. Opponents of emancipation strongly questioned the President's constitutional authority to issue such a decree.[7] Others argued that while the Proclamation had freed the slaves in the seceded States, it had not, in effect, made slavery illegal. This left the status of border States and the already defeated Confederate States in question with regard to slavery.

In an attempt to quell the controversy surrounding the constitutionality of the Emancipation Proclamation, many advocated a nationwide, anti-slavery amendment to the Constitution. Even before the Emancipation Proclamation went into effect, President Lincoln used his annual address to Congress on December 1, 1862 to urge the adoption of an amendment granting compensation to any State that undertook to abolish slavery by 1900.[8] By 1863, abolitionist groups were redirecting their efforts for statutory legislation to support of a constitutional amendment.[9]

LEGISLATIVE HISTORY

In response to these presidential and public calls for an amendment, several Joint Resolutions were introduced in the House of Representatives during the 38th Congress.[10] On the Senate side, John P. Henderson of Missouri introduced, on January 11, 1864, S.J. Res. 16—a proposal for two amendments to the Constitution. The amendment proposals, which were referred to the Committee on the Judiciary,[11] called for an abolition of slavery and a reduction in the majorities required both for Congress to adopt and for the States to ratify amendments to the Constitution. A few days later, Charles Sumner of Massachusetts introduced S.J. Res. 24, which stated that "all persons are equal before the law, so that no person can hold another as a slave." Sumner's resolution was also referred to the Judiciary Committee.[12]

On February 1, 1864, the Judiciary Committee reported adversely on the Sumner resolution. At the same time, they proposed, as a substitute measure, the article that ultimately became the Thirteenth Amendment.[13]

Several amendments to the Judiciary Committee substitute, which retained the title of S.J. Res. 16, were offered on the floor of the Senate and the House. All, however, were rejected. Among the amendments offered in the Senate were (1) an amendment that would have denied citizenship to Negroes and consolidated the New England States into two States; [14] (2) a provision requiring that in any State denying residence to free Negroes, slaves could not be emancipated until they were removed from the State by the U.S. Government; [15] (3) an amendment calling for equal distribution of freed slaves among the States in proportion to the white population;[16] (4) an amendment to provide compensation to slave owners as a prerequisite to emancipation;[17] and (5) an amendment to limit Presidents to one term in office.[18] In addition, the House rejected a proposal that would have exempted the States of Kentucky, Missouri, Delaware, and Maryland from compliance with the amendment for 10 years.[19]

On April 8, 1864, the Senate approved S.J. Res. 16, by a vote of 38 to 6.[20] The House initially defeated the measure on June 15, 1864 when it failed to receive the necessary two-thirds vote. Ninety-three Representatives favored the Resolution, 65 opposed it, and 23 didn't vote. On January 31, 1865, the House reconsidered the measure and adopted it 119 to 56, with 8 not voting.[21]

RATIFICATION HISTORY

At the time Congress approved the Thirteenth Amendment, the Nation had grown to 36 States. Consequently, 27 States needed to ratify the Amendment before it would become part of the Constitution. The ratification process proceeded rapidly, and within 1 year, Georgia became the necessary 27th State. Below are the ratification dates for each State that ratified the Thirteenth Amendment:

Illinois	Feb. 1, 1865
Rhode Island	Feb. 2, 1865
Michigan	Feb. 2, 1865
Maryland	Feb. 3, 1865
New York	Feb. 3, 1865
Pennsylvania	Feb. 3, 1865
West Virginia	Feb. 3, 1865
Missouri	Feb. 6, 1865
Maine	Feb. 7, 1865
Kansas	Feb. 7, 1865
Massachusetts	Feb. 7, 1865
Virginia	Feb. 9, 1865
Ohio	Feb. 10, 1865
Indiana	Feb. 13, 1865
Nevada	Feb. 16, 1865
Louisiana	Feb. 17, 1865
Minnesota	Feb. 23, 1865
Wisconsin	Feb. 24, 1865
Vermont	Mar. 9, 1865
Tennessee	Apr. 7, 1865
Arkansas	Apr. 14, 1865
Connecticut	May 4, 1865
New Hampshire	Jul. 1, 1865
South Carolina	Nov. 13, 1865
Alabama	Dec. 2, 1865
North Carolina	Dec. 4, 1865
Georgia	Dec. 6, 1865

On December 18, 1865, Secretary of State William Seward issued the Certificate of Adoption, which stated that the Thirteenth Amendment was "valid, to all intents and purposes as part of this Constitution."

Once the requisite number of State ratifications had been achieved, seven other States ratified the Thirteenth Amendment: Oregon on December 8, 1865; California on December 19, 1865; Florida on December 28, 1865; Iowa on January 15, 1866; New Jersey on January 23, 1866; Texas on February 18, 1870; and Delaware on February 12, 1901. Only two States voted to reject the Amendment: Kentucky on February 24, 1865; and Mississippi on December 4, 1865.[22]

The Thirteenth Amendment appears officially as 13 Stat. 774.

FOOTNOTES TO AMENDMENT XIII

1. *Annals of the Congress of the United States,* 1818, (Washington, D.C.: Gales & Seaton, 1854), 32: 1675-1676.

2. *Congressional Globe,* 26th Congress, 1st Session, 1939-40, 8:220-224.

3. Herman V. Ames, *The Proposed Amendments to the Constitution of the United States During the First Century of Its History*, presented in the 54th Congress, 2nd Session, 1897, H. Doc. 353.

4. *Congressional Globe*, 37th Congress, 2nd Session, 1862, 132.1: 108.

5. Ibid., 32.3: 2871.

6. 12 Stat. 1267, First Basler, *Collected Works of Lincoln*, 433-436.

7. *New York World*, 24 September, 1862; John Jay to S.P. Chase, *Chase Papers*, 27 September, 1862.

8. U.S. Congress, House, *Journal 37th Congress*, 3rd Session, 1 December, 1862, 12-28.

9. Samuel May Jr. to Garrison, *Garrison Papers*, 28 December, 1863; *Liberator*, 12 January, 1864; Susan B. Anthony to Charles Sumner, *Sumner Papers*, 1 March, 1864.

10. Ames, 214.

11. *Congressional Globe*, 38th Congress, 1st Session, 1863-1864, 34.1: 145.

12. Ibid., 521-522, 533.

13. Ibid., 314.

14. Ibid., 921, 1370, 1424.

15. Ibid., 1425.

16. Ibid.

17. Ibid.

18. Ibid., 1444-1477.

19. Ibid., 2995.

20. Ibid., 1490.

21. Ibid., 2995.

22. *Virginia Commission on Constitutional Government, The Constitution of the U.S.*, (Richmond), 28.

AMENDMENT XIV

TEXT OF AMENDMENT

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by vote of two-thirds of each House, remove such disability

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

BACKGROUND

The Fourteenth Amendment, which has produced more litigation and court interpretation than any other part of the Constitution, was enacted originally to protect the freed slaves from abrogations of their rights by the Southern States. Since then the Amendment has, through judicial interpretation, evolved into a protection against State infringement of nearly all the personal liberties and rights guaranteed in the Federal Bill of Rights.

When the Congress met for the first time in December of 1865, it faced several unprecedented circumstances: the Confederacy had recently surrendered, President Lincoln had been assassinated, and Andrew Johnson had taken over the office of President and had moved to begin the Reconstruction of the South. These conditions contributed, either directly or indirectly, to the eventual framing of the Fourteenth Amendment.

When the 39th Congress convened in 1866, it was dominated by a strong coalition of pro-civil rights and anti-Confederate Congressmen. This coalition, termed the "radical" Republicans, differed on almost every point of President Johnson's Reconstruction program. They felt that Johnson's plan did not provide for adequate protection against State infringements of the former slaves' civil rights. In addition, they protested that the Johnson plan was not severe enough in reprimanding former Confederates. Finally, the "Radicals" feared that the President's plan would allow the Southern States to regain their congressional seats too quickly, enabling the former Confederates to block their own plan for Reconstruction.

Ultimately, the "radicals" turned to amending the Constitution as a means of implementing their Reconstruction program without fear of veto by the President or opposition by former Confederate States. Initially, however, their efforts did not involve the amendment process. For example, on March 13, 1866, Congress passed the Civil Rights Bill (S. 61, 39th Cong.).[1] The bill ignored the Supreme Court's Dred Scott decision of 1857 and granted citizenship to all native-born Americans, with the exception of non-taxed Indians.[2] It also decreed that all citizens "of every race and color" were entitled to certain basic civil rights. On April 9, Congress voted to override President Johnson's veto of the Civil Rights Bill.[3] As a consequence of ths action, the power to reconstruct the South was taken from the hands of the President.

On July 3, 1866, the Freedmen's Bureau Bill (H.R. 613, 39th Cong.), also originally vetoed by President Johnson, was signed into law.[4] The bill extended the life of the Freedmen's Bureau. The Bureau had been created in 1865 to give relief to the newly freed slaves, and included the authorization of military protection of their civil rights. President Johnson had vetoed the bill, believing that the provision for military trials of civil rights violators was a violation of the Fifth Amendment.[5]

The constitutionality of both the Freedmen's Bill and the Civil Rights Bill was questioned by many of the Nation's leaders. Many concluded that an amendment to the Constitution would be necessary to guarantee civil rights to all Americans.

LEGISLATIVE HISTORY

In early December of 1865, a Joint Committee on Reconstruction was established in Congress. Its purpose was to "inquire into the condition of the States which formed the so-called Confederate States of America."[6] The Committee was composed of nine Representatives and six Senators, several of whom were leaders of the "Radical Republicans."[7] On April 30, 1866, the Committee reported out H.J. Res. 127, a comprehensive constitutional amendment composed of modified versions of several previously proposed amendments.[8] One such proposal had been introduced in the House by Representative Thaddeus Stevens of Pennsylvania on December 5, 1865. It stated that "all National and State laws shall be equally applicable to every citizen and no discrimination shall be made on account of race or color."[9] On December 6, John Bingham of Ohio introduced H.J. Res 63.[10] Both of these resolutions were referred to the Committee on the Judiciary, but received consideration in the Joint Committee on Reconstruction.

A few days later, the Reconstruction Committee reported out Mr. Bingham's resolution in both Houses of Congress. The proposed amendment read:

> The Congress shall have power to make all laws which shall be necessary and proper to secure to the citizens of each State all privileges and immunities of citizens in the several States, and to all persons in the several States equal protection in the rights of life, liberty, and property.[11]

In both the House and the Senate, there seemed to be a common desire to await the final report of the Committee. As a result, no immediate action on H.J. Res. 63 in either House of Congress transpired. When the final report was issued, the phraseology of Mr. Bingham's Resolution had been changed and incorporated into the Reconstruction Committee's Resolution, H.J. Res. 127. As reported, it read:

> SEC. 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
>
> SEC. 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizen not less than twenty-one years of age, or in any way abridged except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than twenty-one years of age.
>
> SEC. 3. Until the 4th day of July, in the year 1870, all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for Representatives in Congress, and for electors for President and Vice President of the United States.
>
> SEC. 4. Neither the United States nor any State shall assume or pay any debt or obligation already incurred, or which may hereafter be incurred, in aid of insurrection or of war against the United States, or any claim for compensation for loss of involuntary service or labor.
>
> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Resolution was debated in the House on May 7-10; it passed without amendment on May 10 by a vote of 128 to 37, 19 not voting.

In the Senate, H.J. Res. 127 was initially referred to the Committee of the Whole where it received consideration on May 23, 24, 29-31, and June 4-8, 1866. The Committee amended all but the fifth section of the Resolution. To the first, section, the following sentence was added:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The second section was not substantively altered but was rewritten in more precise and detailed language. The third section was originally designed to punish participants in the Conference rebellion by disfranchising them for a period of 4 years. The Senate rejected this proposition in favor of a more narrowly drawn provision applicable only to former public officials, limiting their right to hold office. Finally, the thrust of the original fourth section, prohibiting claims for emancipated slaves or debts incurred in the aid of the rebellion, was retained but rephrashed by the Senate. In addition, a provision was added to clarify that the fourth section did not apply to the public debt of the United States.

On June 8, 1866, the Resolution, as amended by the Committee of the Whole, passed the Senate by a vote of 33 to 5. It was then sent back to the House, where it passed without further amendment on June 13, 120 to 32, 32 not voting. Three days, later, on June 18, both Houses passed a concurrent resolution requesting the President to submit the Fourteenth Amendment to the governors of each State for ratification.

RATIFICATION HISTORY

Twenty-eight States were needed for final ratification of the Fourteenth Amendment. After just 1 year, 24 States had ratified. The majority of these 24 were Northern States, while nearly all the Southern States had voted to reject the Amendment. On March 2, 1867, Congress passed the Military Reconstruction Act (H.R. 1143, 39th Cong.)[12] which, among other provisions, outlined a plan whereby those States that had seceded from the Union could secure readmission to Congress and escape military rule. Among the requirements for readmission was the ratification of the Fourteenth Amendment. Consequently, several of the Southern States soon ratified the Amendment.

By this time, New Jersey and Ohio had elected new legislatures and had rescinded their ratifications. Nevertheless, on July 20, 1863, Secretary of State William H. Seward issued a proclamation that the Fourteenth Amendment was officially part of the Constitution, despite the withdrawals of New Jersey and Ohio.[13] Again on July 28, 1868, Secretary Seward issued an unconditional certificate in which he recapitulated the circumstances and dates of ratification, rejection, or any other action taken by the various States on the Fourteenth Amendment. He included the States of Alabama and Georgia, which had most recently ratified.

The 28 requisite State ratifications, as they appeared on the Proclamation of July 20, 1868, were:

Connecticut	Jun. 30, 1866.
New Hampshire	Jul. 6, 1866.
Tennessee	Jul. 19, 1866.
New Jersey (resolution to "rescind" adopted Feb. 19/20, 1868, and Mar. 5/24, 1868, over Governor's "veto").	Sep. 11, 1866.
Oregon (resolution to "rescind" adopted Oct. 6/15, 1868)	Sep. 19, 1866.
Vermont	Oct. 30, 1866.
New York	Jan. 10, 1867.
Ohio (resolution to "rescind" adopted Jan. 13, 1868)	Jan. 11, 1867.
Illinois	Jan. 15, 1867.
West Virginia	Jan. 16, 1867.
Michigan	Jan. 16, 1867.
Minnesota	Jan. 16, 1867.
Kansas	Jan. 17, 1867.
Maine	Jan. 19, 1867.
Nevada	Jan. 22, 1867.
Indiana	Jan. 23, 1867.
Missouri	Jan. 25, 1867.
Pennsylvania	Feb. 6, 1867.
Rhode Island	Feb. 7, 1867.
Wisconsin	Feb. 13, 1867.
Massachusetts	Mar. 20, 1867.
Nebraska	Jun. 15, 1867.

Iowa	Mar. 16, 1868.
Arkansas	Apr. 6, 1868.
Florida (with 13th Amendment)	Jun. 9, 1868.
North Carolina (after rejection, Dec. 13/14, 1866)	Jul. 4, 1868.
Louisiana (after rejection, Feb. 6, 1867)	Jul. 9, 1868.
South Carolina (after rejection, Dec. 19/20, 1866)	Jul. 9, 1868.

The following 7 ratifications were received after the certificate of adoption was issued on July 20, 1868:

Alabama	Jul. 13, 1868.
Georgia (after rejection Nov. 10, 1866); also Feb. 2, 1870	Jul. 21, 1868.
Virginia (after rejection Jan. 9, 1867)	Oct. 8, 1869.
Mississippi (with 15th Amendment)	Jan. 17, 1870.
Texas (after rejection Oct. 27, 1866) with 13th and 15th Amendments..	Feb. 18, 1870.
Delaware (after rejection Feb. 6/8, 1867)	Feb. 12, 1901.
Maryland (after rejection by Senate Mar. 23, 1867)	Apr. 4, 1959.
California	May 6, 1959.

The Governor of Kentucky on January 10, 1866, transmitted two copies of a resolution by which the Senate and House rejected the proposal on January 8, 1867.

The Fourteenth Amendment appears officially as 15 Stat. 706-707.

FOOTNOTES TO AMENDMENT XIV

1. *Congressional Globe*, 39th Congress, 1st Session, 1866, 36.2: 1367.
2. Howard, Dred Scott v. Sanford, 1857, (Washington, D.C. : GPO).
3. Richardson, *Messages and Papers*, VI: 405-441.
4. *Congressional Globe*, 39th Congress, 1st Session, 1866, 36.2: 1857-61.
5. Ibid., 3559.
6. Ibid., 36.1: 6.
7. Joseph B. James, *The Framing of the Fourteenth Amendment*, (Urbana: University of Illinois Press, 1956), 37: 220 pages.
8. *Congressional Globe*, 39th Congress, 1st Session, 1866, 36.3: 2265.
9. Ibid., 36.1: 10.
10. Ibid., 14.
11. Ibid., 806, 813, 1033, 2979.
12. Ibid., 2nd Session, 1866, 37.3: 1976.
13. Ibid., 40th Congress, 2nd Session, 1868, 39.5: 4270.

AMENDMENT XV

TEXT OF AMENDMENT

SECTION. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION. 2. The Congress shall have power to enforce this article by appropriate legislation.

BACKGROUND

Throughout the framing of the Fourteenth Amendment, several proposals made in Congress called for universal suffrage for blacks. For instance, Senator John Henderson of Missouri introduced an amendment that read "No state, in prescribing the qualifications requisite for electors therein, shall descriminate against any person on account of color or race."[1] Another proposal, by Senator Charles Sumner of Massachusetts, stated, "No denial of rights, civil or political, on account of color or race."[2] In addition, the Joint Committee on Reconstruction introduced H.J. Res. 51 (39th Cong.):

> Representatives shall be apportioned among the several States which may be included within this Union according to their respective number of persons in each State, excluding Indians not taxed: Provided, that whenever the elective franchise shall be denied or abridged in any State on account of race or color shall be excluded from the basis of representation.[3]

Each of these proposals for Negro suffrage was defeated in Congress, primarily due to public opposition in both the North and the South.[4] On May 23, 1866, the Joint Committee on Reconstruction issued a report wherein they stated:

> The committee were of the opinion that the States are not yet prepared to sanction so fundamental a change as would be the concession of the right to suffrage to the colored race. We may as well state it plainly and fairly, so that there shall be no misunderstanding on the subject. It was our opinion that three-fourths of the States of this Union could not be induced to vote to grant the right of suffrage, even in any degree or under any restriction, to the colored race.[5]

As a compromise measure during the adoption of the Fourteenth Amendment, Congress had agreed on a modified version of H.J. Res. 51 that deleted "race and color." In addition, a provision was inserted that reduced a State's representation in Congress in proportion to the number of eligible males denied the right to vote within the State. This compromise ultimately became Section 2 of the Fourteenth Amendment:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged except of participation in rebellion, or other crime, the basis of representation therein shall

be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This section of the Fourteenth Amendment was never enforced. As a result, it proved to do little forward insuring voluntary enfranchisement of the blacks.

Although the sentiments of both the public and President Johnson remained steadfast in opposition to Negro suffrage, Congress continued attempts to enact legislation guaranteeing blacks the right to vote. After numerous Republican victories in the congressional elections of 1866, Congress enacted a bill granting suffrage to blacks in the District of Columbia. In enacting this legislation, Congress was successful in overriding a veto by President Johnson, and the bill became law on December 13, 1866.

On January 10, 1867, Congress passed similar legislation that franchised the Negroes living in the Federal Territories.[6] In addition, Congress passed a bill stipulating enfranchisement of Negroes as a condition of statehood for the Nebraska Territory.[7] On March 2, 1867, the most critical legislation of the 39th Congress regarding the Negro vote was enacted. It was written in the Section 5 of the Reconstruction Act, requiring Negro suffrage as conditional for readmittance of Confederate States to the Union and the reseating of their representatives in Congress.[8] After the passage of these several bills, the only areas of the country where the Negro vote had not been legislated were the Northern and border States.

As more and more of the Southern States gained readmittance into the Union, the "Radical Republicans" grew increasingly fearful that their ability to influence the Reconstruction would soon diminish. The 1868 elections saw Ulysses Grant, a Republican, gain only a narrow victory, while the Democrats gained several seats in Congress. Supporters of universal suffrage for blacks realized that time was short for their efforts to accomplish their goal in the form of the Fifteenth Amendment.

LEGISLATIVE HISTORY

On March 7, 1868, Senator John P. Henderson introduced S.J. Res. 8 (40th Cong.), which stated, "No State shall deny or abridge the right of its citizens to vote and hold office on account of race, color, or previous condition." The resolution was reported out of the Senate Judiciary Committee on January 15, 1869, with a recommendation that it be amended to read, "The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude." The Committee also recommended a provision authorizing Congress to enforce the amendment with appropriate legislation.[9] The Resolution was then referred to the Committee of the Whole, where it was approved without further amendment on January, 28.

At the same time the Senate was considering S.J. Res. 8, the House of Representatives was taking action on a similar measure, H.J. Res. 402. The House Resolution was reported favorably out of the Judiciary Committee on January 11, 1869.[10] On January 28 and 29, the resolution was debated on the House floor; it passed, virtually unamended, 150 to 42, 31 not voting.[11] The House Resolution read:

> SECTION 1. The right of any citizen of the United States to vote shall not be denied or abridged by the United States or any State by reason of race, color, or previous condition of slavery of any citizen or class of citizens of the United States.
>
> SECTION 2. The Congress shall have power to enforce by appropriate legislation the provisions of this article.[12]

The House Resolution was received in the Senate and debated in the Committee of the Whole on February 3-6, 8, 9, as well as on the Senate floor on February 9.[13] As a result of the committee and floor debates, the Senate substituted its own version for Section 1 of the House proposal and amended it to read, "No discrimination shall be made in any State among the citizens of the United States in the exercise of the elective franchise or in the right to hold office in any State on account of race, color, nativity, property, education, or creed." The Senate also added to the Resolution a provision calling for the popular election of presidential electors. On February 9, 1869, the Senate passed its amended version, 39 to 16, 11 not voting.[14]

After floor debate, the House voted to reject the amended Resolution, 133 to 52 (52 not voting), and called for a conference.[15] Back in the Senate, a motion to insist on its amendments, while still agreeing to a conference, was made and withdrawn. In addition, a motion to adopt the House version was rejected. Finally, the Senate agreed to a motion to consider further S.J. Res. 8 and on February 17 passed the measure as originally reported out of the Senate Judiciary Committee, January 15, 1869. The House then considered this proposal on February 20, and amended the first section to protect the franchise and the right to hold office from abridgement by any "State, on account of race, color, nativity, property, creed, or previous condition of servitude." Subsequently, the House passed its newly amended version of the Senate proposal, 140 to 37, 46 not voting.[16]

A conference was then appointed, which reported out the final version of what would become the Fifteenth Amendment. It was identical to the version which the Senate Judiciary Committee had originally reported, except that the words "and to hold office" were eliminated. The Conference Report was accepted in both Houses, but not before a debate occurred in the Senate over the deletion of "and to hold office." The Report passed in the House by a vote of 144 to 44, 35 not voting, and in the Senate, 39 to 13, 14 not voting.[17]

RATIFICATION HISTORY

When the Fifteenth Amendment was approved by Congress, the Union consisted of 37 States. Consequently, 28 States would be required to ratify the Amendment for it to become part of the Constitution. It was sent to the States on February 27, 1869. Several States ratified the Amendment immediately, Nevada being the first on March 1, 1869. The 28th State to ratify was Iowa, on February 3, 1870. On January 5, 1870, New York attempted to withdraw its ratification; however, shortly thereafter on February 18, Nebraska ratified. Nebraska's ratification helped to quiet the controversy that had erupted over New York's withdrawal and its effect on the the validity of the Amendment.

The ratification dates for the Fifteenth Amendment are listed below:

The first 28 ratifications were:

Nevada	Mar. 1, 1869
West Virginia	Mar. 3, 1869
North Carolina	Mar. 5, 1869
Illinois	Mar. 5, 1869
Louisiana	Mar. 5, 1869
Michigan	Mar. 8, 1869
Wisconsin	Mar. 9, 1869
Maine	Mar. 11, 1869
Massachusetts	Mar. 12, 1869
Arkansas	Mar. 15, 1869
South Carolina	Mar. 15, 1869
Pennsylvania	Mar. 25, 1869
New York (resolution to "withdraw" consent Jan. 5, 1870).	Apr. 14, 1969
Indiana	May 14, 1869
Connecticut	May 19, 1869
Florida	Jun. 14, 1869
New Hampshire	Jul. 1, 1869
Virginia	Oct. 8, 1869
Vermont	Oct. 20, 1869
Alabama	Nov. 16, 1869
Missouri (also ratified Sec. 1 March 1, 1869).	Jan. 10, 1870
Minnesota	Jan. 13, 1870
Mississippi (with 14th amendment).	Jan. 17, 1870
Rhode Island	Jan. 18, 1870
Kansas (also defectively Feb. 27, 1869).	Jan. 19, 1870
Ohio, (after rejection Apr. 1/30, 1869).	Jan. 27, 1870
Georgia	Feb. 2, 1870
Iowa	Feb. 3, 1870

Five other ratifications were given, the first two in the following list being included in the certificate of adoption:

Nebraska	Feb. 17, 1870
Texas (with 13th and 15th Amendments).	Feb. 18, 1870
New Jersey (after rejection Mar. 17/18, 1870).	Feb. 15, 1871
Delaware (after rejection Mar. 17/18, 1869).	Feb. 12, 1901
Oregon (after rejection Oct. 26, 1870).	Feb. 24, 1959
California (after rejection Jan. 28, 1870).	April 3, 1962

The following rejections occurred:

Kentucky	Mar. 11/12, 1869
Maryland	Feb. 4/26, 1870
Tennessee	House, Nov. 16, 1869

As noted earlier, Virginia, Mississippi, and Texas were required to ratify the Fifteenth Amendment in order to regain statehood and representation in Congress.[18]

On March 30, 1870, Secretary of State Hamilton Fish certified that the Fifteenth Amendment had become part of the Constitution.[19] It appears officially as 16 Stat. 1131.

Footnotes to Amendment XV

1. *Congressional Globe*, 39th Congress, 1st Session, 1866, 36.1: 362.
2. Ibid., 1287.
3. Ibid., 535, 538, 1289.
4. William Gilette, *The Right to Vote: Politics and the Passage of the Fourteenth Amendment*, (Baltimore: Johns Hopkins Press, 1965), 31-33.
5. *Congressional Globe*, 36.3: 2766.
6. Ibid., 2nd Session, 109, 138, 303-306. 318, 344.
7. Ibid., 781-782, 485, 487, 851-852, 1096, 1121.
8. Ibid., 40th Congress, 1st Session, 1868, 38: 13.
9. Ibid., 3rd Session, 40.1: 378, 542.
10. Ibid., 285-286.
11. Ibid., 726-729, 742-745.
12. Ibid., 726.
13. Ibid., 827-828, 854-864, 899-901, 909-913, 938-940, 978-1015, 1029-1041.
14. Ibid., 828, 1035, 1040-1044, 1224.
15. Ibid., 1226.
16. Ibid., 1425-1428.
17. Ibid., 1466, 1470, 1563-1564, 1623-1633, 1638-1641.
18. John M. Mathews, *Legislative and Judicial History of the Fifteenth Amendment*. (New York: De Capo Press, De Capo Press reprints in American Constitution and Legal History, 1971), 78-88.
19. *Documentary History of the Constitution*, 863.

AMENDMENT XVI

TEXT OF AMENDMENT

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

BACKGROUND

The Sixteenth Amendment to the Constitution was the third constitutional amendment after the Eleventh and Fourteenth Amendments, which directly overruled a Supreme Court decision. In the case of *Pollock* v. *Farmers' Loan and Trust Company* [1] (U.S., 429, (1895) and (158 U.S., 601 (1895)), the Supreme Court ruled that an income tax was unconstitutional on the grounds that it violated Article 1, Section 9, Clause 4 of the Constitution:

> No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

The Sixteenth Amendment amended Article 1, thereby granting Congress the power to lay and collect taxes on income without apportionment and "without regard to to any census or enumeration."

Before the Civil War, tariffs, duties, and excises normally supplied adequate revenue for the operation of the Federal Government. However, with an increasing public debt during the 1850's, and the added expense of the Civil War during the 1860's, Congress found it necessary to levy an income tax to help alleviate the Federal financial burden.[2] This Civil War income tax continued until 1872, when Congress allowed the system to expire.[3]

It is interesting to note that, according to figures released by the Commissioner of Internal Revenue for 1867, 76.5% of the Nation's tax revenues came from the seven Northeastern States: New York (30.9%), Massachusetts (13.6%), Pennsylvania (12.7%), Ohio (7.5%), Illinois (4.6%), New Jersey (3.8%), and Connecticut (3.4%).[4] This disproportionate revenue base would, in later years, clearly influence the nationwide debates over the Sixteenth Amendment. Citing their share of the tax burden as unfair, the Northeastern States actively opposed the Amendment, while nearly every State from the South and West lent its support to the measure.

The final years of the nineteenth century brought with them financial depression and economic hardship. The national debt once more began a dramatic rise, and tariffs and duties failed to ease the burden. Consequently, support for an income tax program began to be heard in Congress and many parts of the Nation. During the early 1890's, the Populist party adopted a graduated income tax as part of its platform. Even President Grover Cleveland, noted for his conservatism, supported a limited income tax.[5]

On January 29, 1894, Representative Benton McMillian of Tennessee proposed an income tax amendment to the Wilson Tariff Act (H.R. 4864, 53rd Cong.).[6] The prospect of a renewed income tax immediately spurred heated debate in Congress. Proponents of the McMillian Amendment argued that it would provided a rich source of revenue, while equally distributing the tax burden according to an individual's income. On the other hand, several opponents of the tax labeled it as "socialistic" and directly hostile to free enterprise.[7] Representative of Northern opposition to the measure was the denunciation of Congressman Bourke Cochran of New York:

> Any form of income tax is objectionable in a commercial community because it is necessarily inquisitorial in character . . . an income tax is an assault on Democratic institutions. I oppose it because it is a tax on industry and thrift and is therefore a manifestation of hostility to that desire for success which is the main spring of human activity. This tax is not imposed to raise revenue, but to gratify vengeance. It is not designed for the welfare of the whole people, but would be the most dangerous feature of the proceedings and operations of the Government since its establishment. Its enactment will be the entering wedge in a system of oppressive measures and which, by excluding the majority of our citizens from participation in the burdens of government, will ultimately result in limiting their participation in the control of government. By this legislation, you place the Government in an attitude of hostility to the true patriots of this country, to the men by whose industry this land is made invaluable, by whose intelligence capital is made fruitful; and it is a woeful condition of society . . . when . . . the creators of wealth, the architects of prosperity have reason to fear that the success of their industry will provoke the hostility of their Government.[8]

In response to Cochran's statement, Rep. William Jennings Bryan of Nebraska and one of the chief advocates of the income tax, stated:

> I only hope that we may in the future have more farmers in the agricultural districts whose incomes are large enough to tax. . . . They weep more because fifteen millions are to be collected from the incomes of the rich than they do at the collection of three hundred millions upon the goods which the poor consume. . . . If taxation is a badge of freedom, let me assure my friend that the poor people of this country are covered all over with the insignia of freedom. Oh sirs, it is not enough to betray the cause of the poor—must it be done with a kiss?[9]

On February 1, 1894, the Wilson Tariff Act passed in the House with the McMillian Amendment intact.[10] The Act also passed unamended in the Senate on July 3 of the same year and was authorized to go into effect on January 1, 1895. However, the income tax provision of the bill was short-lived. In March of 1895, the Supreme Court, in *Pollock* v. *The Farmers' Loan and Trust Company*, declared that the income tax provision was in conflict with Article I, Section 9, Clause 4 of the Constitution and was, therefore, unconstitutional.

Further attempts to introduce statutory income tax legislation were curtailed for several years as a result of the *Pollock* decision. Nevertheless, support for the tax continued to grow throughout the Nation. During the early 1900's, the Democratic party, led by President Theodore Roosevelt, became the chief proponent of an income tax.

LEGISLATIVE HISTORY

On April 15, 1909, Senator Joseph Bailey of Texas offered an amendment to the Payne-Aldrich Tariff Bill (H.R. 1438, 61st Cong.), calling for a 3 percent tax on all incomes over $5,000. Senator

Nelson Aldrich, a pro-industrialist and opponent of income tax, feared that the Bailey Amendment would become law and devised a scheme to ensure its failure. Believing that a constitutional amendment would have little chance of being ratified by the States, Aldrich proposed an amendment to establish a national income tax program (S.J. Res. 40, 61st Cong.). Initially, the ploy worked; the Bailey Amendment was dropped in favor of the resolution introduced by Senator Aldrich.

S.J. Res. 40 was at once referred to the Senate Committee on Finance, which reported the measure favorably and unamended on June 28, 1909.[11] Pursuant to a unanimous request, the Resolution was brought before the Senate for debate on July 5, 1909. The proposal passed the Senate as reported by the Finance Committee, 77 to 0, 15 not voting, but not before a number of proposed amendments were rejected: (1) an amendment to substitute conventions for legislatures during the ratification process; (2) amendments striking "and direct Taxes" from Article 1, Section 2, Clause 3; and "or other direct" from Article 1, Section 9, Clause 4; (3) an amendment, in the nature of a substitute, that would have provided for the direct popular election of United States Senators; (4) an amendment authorizing Congress to levy and collect taxes on income without apportioning them among the States on the basis of population.

The Resolution was then sent to the House of Representatives, where it was referred to the House Ways and Means Committee on July 9, 1909. The Committee reported favorably on July 12, and on the same date the Resolution passed the House without amendment, 318 to 14, 55 not voting and 1 answering "present." The House tabled the only amendment offered to S.J. Res. 40, that relating to the ratification procedure.

RATIFICATION HISTORY

At the time, there were 48 States in the Union; 36 were required to ratify the Sixteenth Amendment. On July 21, 1909, the Amendment was delivered to the States by Secretary of State Philander C. Knox. Contrary to Senator Alrich's expectations, one State after another ratified the Sixteenth Amendment, Alabama being the first on August 10, 1909. Less than 4 years later, New Mexico became the 36th State to ratify, and the Sixteenth Amendment was law.

Below are the ratification dates of each of the States:

Alabama	Aug. 10, 1909
Kentucky	Feb. 8, 1910
South Carolina	Feb. 19, 1910
Illinois	Mar. 1, 1910
Mississippi	Mar. 7, 1910
Oklahoma	Mar. 10, 1910
Maryland	Apr. 8, 1910
Georgia	Aug. 3, 1910
Texas	Aug. 16, 1910
Ohio	Jan. 19, 1911
Idaho	Jan. 20, 1911
Oregon	Jan. 23, 1911
Washington	Jan. 26, 1911
Montana	Jan. 30, 1911
Indiana	Jan. 30, 1911
California	Jan. 31, 1911
Nevada	Jan. 31, 1911
South Dakota	Feb. 3, 1911
Nebraska	Feb. 9, 1911
North Carolina	Feb. 11, 1911
Colorado	Feb. 15, 1911
North Dakota	Feb. 17, 1911
Kansas	Feb. 18, 1911
Michigan	Feb. 23, 1911
Iowa	Feb. 24, 1911

Missouri	Mar. 16, 1911
Maine	Mar. 31, 1911
Tennessee	Apr. 7, 1911
Arkansas (after rejection Jan. 9, 1911	Apr. 22, 1911
Wisconsin	May 26, 1911
New York	Jul. 12, 1911
Arizona	Apr. 6, 1912
Minnesota	Jun. 11, 1912
Louisiana	Jun. 28, 1912
West Virginia	Jan. 31, 1913
Delaware	Feb. 3, 1913
Wyoming	Feb. 3, 1913
New Mexico	Feb. 3, 1913

More than 36 having ratified the Sixteenth Amendment, it was certified by Secretary of State Philander C. Knox on February 25, 1913 as part of the Constitution. Thereafter, the Amendment was ratified by New Jersey on February 4, 1913; Vermont on February 19, 1913; Massachusetts on March 4, 1913; and New Hampshire on March 7, 1913. The proposal was rejected by Rhode Island on April 29, 1910; Utah on March 9, 1911; Connecticut on June 28, 1911; and Florida on May 31, 1913. Both Virginia and Pennsylvania failed to complete action on the Amendment.

The Sixteenth Amendment appears officially as 37 Stat. 1785.

FOOTNOTES TO AMENDMENT XVI

1. *U.S. Reports*, Pollock v. Farmer's Loan and Trust Co., 1895, Washington, 157:429.
2. *Statutes at Large of the United States of America*, 1789-1873, (Washington, 1861).
3. Harry Edwin Smith, The U.S. Federal Internal Tax History From 1861-1871, (Boston: Houghton Mifflin Co., 1914) XI-XIV.
4. Sidney Ratner, *Taxation and Democracy in America*, (New York, 1964), 136-137.
5. *Messages and Papers of the Presidents*, XII: 5892.
6. *Congressional Record*, 53rd Congress, 2nd Session, 1894, 26, Pt. 2: 1594-1597.
7. Ibid., 2nd Session, 26, Part 1: 5.
8. Ibid. 26: 462-469.
9. Ibid., 1655-1658.
10. Ibid., 7136.
11. Ibid., 61st Congress, 1st Session, 1909, 44: 4440-4441.

AMENDMENT XVII

TEXT OF AMENDMENT

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors for the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

BACKGROUND

The Seventeenth Amendment amended Article I, Section 3 of the Constitution, which prescribes the mode of electing U.S. Senators by State legislatures. The first clause of Section 3 states:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislatures thereof, for six Years; and each Senator shall have one Vote.

The Seventeenth Amendment changed the electoral process for U.S. Senators from selection by State legislatures to a popular vote. By the early 1900's, it had become a concern of many of the Nation's leaders that, under the system of indirect election by State legislatures, many Senators were indifferent to popular demands, obligated to corporations that could often influence the Senators' elections. During the debates over the Seventeenth Amendment, such concerns were frequently voiced in both the Senate and the House of Representatives. For example, Senator Joseph Bristow complained.

> They [the corporation] have spent enormous amounts of money in corrupting legislatures to elect to the Senate men of their own choosing. Through the influence of the Senators so elected, who have become known as corporation Senators, legislation to control the trusts and monopolies has been smothered in committees and defeated in the Senate.[1]

Representative George W. Norris of Nebraska added his own commentary:

> We have reached a stage in the development of political and social problems where great combinations of wealth have often too much influence in the framing of laws and in the selection of public officials.[2]

Another objection to the selection of Senators by legislatures was that often a State went unrepresented or only half-represented in the U.S. Senate because of the inability of many State legislatures to agree on any one candidate.[3]

Such problems ultimately led to the passage of the Seventeenth Amendment, but not until some 198 previous proposals for popular election of Senators had failed, five of which came to a vote in the

House of Representatives.[4] The measure was first voted on in the form of H.J. Res. 20 (53rd Cong.) on July 21, 1894 and passed in the House, 141 to 50. It was later lost in committee on the Senate side.[5] On January 12, 1898, H.J. Res. 5 passed the House, 185 to 11, before the Senate again killed the measure in committee.[6] On April 13, 1900, the proposal (H.J. Res. 28, 56th Cong.) passed the House for a third time, 242 to 15;[7] and for a fourth time on January 21, 1902, without a recorded vote (H.J. Res. 41, 61st Cong.).[8] On February 28, 1911, the proposal finally came to a vote in the Senate. However, S.J. Res. 134 (61st Cong.) failed of the necessary two-thirds majority, the vote being 54 to 33 in favor of the measure.[9]

LEGISLATIVE HISTORY

During the first session of the 62nd Congress, the House passed H.J. Res. 39. This resolution was the origin of what would become the Seventeenth Amendment.[10] As introduced and reported by the House Committee on the Election of the President, Vice President, and Representative in Congress, H.J. Res. 39 proposed to amend the Constitution to provide for the popular election of Senators; special elections to fill Senate vacancies; and authorization of State legislatures; (1) to provide for temporary appointments by the governors to fill vacancies; and (2) to exercise exclusive power to regulate the time, place, and manner of conducting senatorial elections.[11] The Resolution passed, 296–16, with only one minor floor amendment, while amendments to provide 4 year terms for House Members and to eliminate State legislative control over senatorial elections were rejected.[12]

H.J. Res. 39 was then sent to the Senate, where it was referred to the Judiciary Committee and later reported without amendment.[13] However, a minority report also filed called for the elimination of provisions which gave State legislatures exclusive control over senatorial elections.[14] On the Senate floor Senator Joseph L. Bristow offered, as a substitute to H.J. Res. 39, an amendment to give control of senatorial elections to the Federal Government. On June 12, 1911, the Bristow Amendment came before the Senate for final action. It passed by a vote of 64 to 24, 3 not voting.[15]

Both Houses of Congress had now passed resolutions calling for the direct popular election of Senators. The two resolutions were considerably different, however, necessitating action by a conference committee. In conference, the Senate repeatedly insisted on its own amendments, and after nearly a year, the House relented and approved the Senate version on May 13, 1912.[16]

RATIFICATION HISTORY

After the Resolution finally gained the approval of Congress, it needed only 11 months to be ratified by the States. With 48 States in the Union, 36 were needed to ratify for the Seventeenth Amendment to become part of the Constitution. On April 8, 1913, Connecticut became the 36th State to ratify. The ratification dates of each of the States appear below:

Massachusetts	May 22, 1912
Arizona	Jun. 3, 1912
Minnesota	Jun. 10, 1912
New York	Jan. 15, 1913
Kansas	Jan. 17, 1913
Oregon	Jan. 23, 1913
North Carolina	Jan. 24, 1913
California	Jan. 28, 1913
Michigan	Jan. 28, 1913
Iowa	Jan. 30, 1913
Montana	Jan. 30, 1913
Idaho	Jan. 31, 1913
West Virginia	Feb. 4, 1913
Colorado	Feb. 5, 1913
Nevada	Feb. 6, 1913
Texas	Feb. 7, 1913
Washington	Feb. 7, 1913
Wyoming	Feb. 8, 1913
Arkansas	Feb. 11, 1913
Maine	Feb. 11, 1913
Illinois	Feb. 13, 1913
North Dakota	Feb. 14, 1913
Wisconsin	Feb. 18, 1913
Indiana	Feb. 19, 1913
New Hampshire	Feb. 19, 1913
Vermont	Feb. 19, 1913
South Dakota	Feb. 19, 1913
Oklahoma	Feb. 24, 1913
Ohio	Feb. 25, 1913
Missouri	Mar. 7, 1913
New Mexico	Mar. 13, 1913
Nebraska	Mar. 14, 1913
New Jersey	Mar. 17, 1913
Tennessee	Apr. 1, 1913
Pennsylvania	Apr. 2, 1913
Connecticut	Apr. 8, 1913

The Seventeenth Amendment was certified by William Jennings Bryan on May 13, 1913. Thereafter, Louisiana ratified it on June 11, 1914.[17] Two States, Utah and Delaware, rejected the Amendment on February 26, 1913 and March 18, 1913, respectively. No action was completed by Alabama, Florida, Georgia, Rhode Island, and South Carolina. No legislative sessions were held during the pendency of the resolution in Kentucky, Maryland, Mississippi, and Virginia.[18]

The Seventeenth Amendment appears officially as 37 Stat. 1785.

FOOTNOTES TO AMENDMENT XVII

1. Honorable Joseph L. Bristow, *Resolution for the Direct Election of Senators*, (Washington, D.C.: GPA, 1912), 5.
2. *Congressional Record*. 62nd Congress, 1st Session, 1911, 47, Pt. 1: 231-232.
3. M.A. Musmanno, *Proposed Amendments to the Constitution*, H. Doc. 551, 70th Congress, 2nd Session, (Washington, D.C.: GPO, 1929), 216-217.
4. Herman V. Ames, *The Proposed Amendments to the Constitution of the United States During the First Century of Its History*, presented in the 54th Congress, 2nd Session, 1897, H. Doc. 353: 61-63.
5. *Congressional Record*, 53rd Congress, 2nd Session, 1894, 26, Pt. 8: 7782.
6. Ibid., 55th Congress, 2nd Session, 1898, 31, Pt. 5: 4925.
7. Ibid., 1st Session, 1897, 4128.
8. Ibid., 57th Congress, 1st Session, 1901-1902, 35.2: 1721-1722.
9. Ibid., 61st Congress, 3rd Session, 1911, 46.4: 3638-89.
10. Ibid., 62nd Congress, 1st Session, 1911, 47.1: 243.
11. Ibid., 203.
12. Ibid., 241-242.
13, Ibid., 787-788.
14. Ibid., 1428-1429.
15. Ibid., 1925.
16. Ibid., 62nd Congress, 2nd Session, 1912, 48: 4905, 5169-5172, 5433, 6345-6369.
17. *Virginia Commission on Constitutional Government, The Constitution of the U.S.*, (Richmond), 33.
18. Ibid.

7

AMENDMENT XVIII

TEXT OF AMENDMENT

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereto to the States by the Congress.

BACKGROUND

The ratification of the Eighteenth Amendment to the Constitution, marking the beginning of a brief, controversial era of American history often labeled "The Prohibition," was the result of several factors. Primary among these factors was a century-long temperance crusade conducted by churches and social service organizations dedicated to suppressing "the evils of drinking." The Prohibition movement began in the early nineteenth century and steadily gathered strength, culminating in the adoption of the Eighteenth Amendment in 1919.

The movement first gained momentum between the years of 1864 and 1865, when 13 States passed prohibition laws: Maine, New Hampshire, Vermont, Delaware, Michigan, Indiana, Iowa, Minnesota, Nebraska, Connecticut, Rhode Island, Massachusetts, and New York. However, by the end of the 1860s, most of these States had rescinded these laws.

A second wave of support for Prohibition began in the 1880s. In 1880, Kansas wrote Prohibition into its Constitution. By 1890, North and South Dakota had adopted prohibition laws. Both Iowa and Rhode Island also reinitiated attempts to illegalize alcohol, but were unsuccessful. The movement gained additional strength during the 1880s with the foundation and rapid growth of history's most active prohibitionist group, the Anti-Saloon League. Between October of 1909 and January of 1923, when it was operating at peak strength, the Anti-Saloon League Press at Westerville, Ohio turned out 114,675,431 leaflets; 1,925,143 books; 2,322,053 placards; and 5,271,715 copies of weekly and monthly magazines.[1]

Beginning in 1907, a third wave of prohibitionist sentiment spread across America. Between the years of 1907 and 1915, 8 Southern States adopted some form of prohibition; and by 1917, 23 States were considered prohibitionist. These States included Kansas, Maine, North Dakota, Georgia, Alabama, Mississippi, North Carolina, West Virginia, Virginia, Arkansas, South Carolina, Washington, Oregon, Colorado, Arizona, Idaho, Montana, Utah, Iowa, South Dakota, Nebraska, Michigan, and Indiana.

It should be pointed out that while each of these States placed limits on the sale and consumption of alcohol, only 13 States had laws that completely banned all consumption of alcoholic beverages within their boundaries. These States known as "dry" included Arizona, Colorado, Idaho, Montana, Oklahoma, South Dakota, Washington, Arkansas, Georgia, Kansas, Nebraska, Oregon, and Utah.[2]

In 1913, the "dry" States received assistance from the U.S. Congress, which passed, over the veto of President Taft, the Webb-Kenyon Law. This law protected them from out-of-state shipments of alcohol.[3] In addition, at their "Jubilee Convention" in November of 1913, the Anti-Saloon League decided to redirect its 20-year-old movement toward State prohibition laws to a centralized national effort toward the adoption of a Prohibition Amendment to the U.S. Constitution.[4]

The redirected goal of the Anti-Saloon League, combined with the victory in Congress of the Webb-Kenyon Law, led to the introduction of H.J. Res. 168 (64th Cong.) on December 22, 1914.[5] H.J. Res. 168, the Nation's first proposed Prohibition Amendment,[6] initially read:

> Whereas exact scientific research has demonstrated that alcohol is a narcotic poison, destructive and degenerating to the human organism, and that its distribution as a beverage or contained in foods lays a staggering economic burden upon the shoulders of the people, lowers to an appalling degree the average standard of character of our citizenship, thereby undermining the public morals and the foundation of free institutions; produces widespread crime, pauperism, and insanity; inflicts disease and untimely death upon hundreds of thousands of citizens and blights with degeneracy their children unborn, threatening the future integrity and the very life of the Nation. Therefore be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution.
>
> "ARTICLE —.
>
> "SECTION 1. The sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof are forever prohibited.
>
> "SEC. 2. Congress shall have power to provide for the manufacture, sale, importation, and transportation of intoxicating liquors for sacramental, medicinal, mechanical, pharmaceutical, or scientific purposes, or for use in the arts, and shall have power to enforce this article by all needful legislation."

On the same day as its introduction, the Resolution was defeated in the House of Representatives, where it gained majority approval but failed to receive the necessary two-thirds vote, 197 to 190.[7]

With the advent of World War I, Prohibition evolved into much more than mere social reform against drinking. Food shortages caused by the war in Europe required Americans to conserve food supplies and war materials. Advocates of Prohibition called attention to the huge quantities of food stuffs that could be used to feed the hungry, rather than being "wasted" on the production of alcoholic beverages. Prohibitionists also pointed out that transportation facilities could be used to aid the war effort, rather than to transport alcoholic beverages. In addition, many Americans' prejudice towards Germany was beginning to be transferred to the brewery industry, whose leading executives and owners were often of German descent. All these factors helped lead to the passage of the Lever Food Control Act (H.R. 4961, 65th Cong.) on August 10, 1917. The Food Control Act prohibited the use of food materials in the production of distilled spirits for alcoholic beverages, in addition to restricting the importation of such spirits.

LEGISLATIVE HISTORY

The Food Control Act was by no means the last of congressional actions launched against the production and consumption of alcohol.[8] On June 11, 1917, Senator Sheppard of Texas introduced S.J. Res. 17 [9] (65th Cong.), another proposed Prohibition Amendment to the Constitution. Sheppard's Resolution [10] read:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:
>
> "ARTICLE —.
>
> "SECTION 1. The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes are hereby prohibited.
>
> "SEC. 2. The Congress shall have power to enforce this article by appropriate legislation, and nothing in this article shall deprive the several States of their power to enact and enforce laws prohibiting the traffic in intoxicating liquors."

The Resolution was read twice and referred to the Senate Committee on the Judiciary. The Committee reported favorably on the measure, recommending passage with technical amendments and a substantive amendment deleting language that reserved to the States the power to enact and enforce prohibition legislation.[11]

When S. J. Res. 17 reached the Senate floor for debate on August 1, 1917, a number of amendents were proposed. Only one of the amendments, that requiring ratification within 6 years, was adopted before the measure passed the Senate 65–20. Among the proposals rejected were amendments adding "purchase" and "use" to the acts prohibited by the article, delaying enforcement of the article until congress provided for compensation to manufacturers of liquors, extending ratification by 10 years, and substituting "distilled spiritous" for "intoxicating" liquors in the language of the measure.[12]

In the House of Representatives, the Committee on the Judiciary also reported favorably on S.J. Res. 17, after recommending amendments that would make the article effective 1 year after ratification, give Congress and the States concurrent enforcement powers, and limit the period of ratification to seven years after submission to the States.[13] On December 17, 1917, the House passed the Resolution, as amended in committee, by a vote of 282 to 128. During the House debates, two amendments were rejected. One would have allowed a State to recall its ratification or rejection before three-quarters of the States had ratified the Amendment, while the other would have exempted wine and beer from the article's prohibition.[14]

The next day, December 18, the Senate concurred in the House amendments, 47 to 8 (no roll-call vote).[15] The Eighteenth amendment was then sent to the States for ratification.

RATIFICATION HISTORY

Senator Harding, an opponent of prohibition, proposed that the Eighteenth Amendment be valid only if ratified by three-quarters of the States prior to the close of 1923. This time-limit modification, increased to 6 years in the Senate and later to 7 in the House, split the ranks of the prohibitionists. Some of them viewed it as a trap which would reduce the chances of ratification. Other supporters of prohibition contested that all previous amendments had been ratified within 7 years, and that such a time-limit might actually increase support for the Amendment.[16]

The 7-year limitation on ratification attached to the final version of the measure proved to be no barrier to ratification at all. Three-fourths of the State legislatures had ratified the Amendment in a period of only 13 months. The ratification dates for the Eighteenth Amendment are listed below:

Virginia	Jan. 11, 1918
Kentucky	Jan. 16, 1918
North Dakota	Jan. 28, 1918
South Carolina	Feb. 12, 1918
Maryland	Mar. 12, 1918
South Dakota	Mar. 22, 1918
Texas	Mar. 4, 1918
Montana	Feb. 20, 1918
Delaware	Mar. 26, 1918
Massachusetts	Apr. 2, 1918
Arizona	May 23, 1918
Georgia	July 2, 1918
Louisiana	Aug. 9, 1918
Michigan	Jan. 2, 1919
West Virginia	Jan. 9, 1919
Maine	Jan. 8 1919
Mississippi	Jan. 8, 1919
Florida	Dec. 3, 1919
Oklahoma	Jan. 7, 1919
Washington	Jan. 13, 1919
New Hampshire	Jan. 15, 1919
Nebraska	Jan. 16, 1919
Minnesota	Jan. 17, 1919
Indiana	Jan. 14, 1919
California	Jan. 13, 1919
Colorado	Jan. 15, 1919
Alabama	Do.
Oregon	Do.
Ohio	Jan. 7, 1919
Illinois	Jan. 14, 1919
Wyoming	Jan. 17, 1919
Idaho	Jan. 8, 1919
Wisconsin	Jan. 17, 1919
North Carolina	Jan. 16, 1919
Utah	Do.
Kansas	Jan. 14, 1919
New Mexico	Jan. 22, 1919
Tennessee	Jan. 14, 1919
Iowa	Jan. 27, 1919
Vermont	Jan. 29, 1919
Missouri	Jan. 17, 1919

Nevada	Jan. 27, 1919
Pennsylvania	Feb. 26, 1919
New York	Jan. 29, 1919

Eventually, 46 States ratified the Eighteenth Amendment, New Jersey being the last to do so in 1922. Of the other 2 States in the Union, Rhode Island rejected the measure and Connecticut never acted on it.[17]

The Eighteenth Amendment appears officially as 40 Stat. 1941. It became operative under its own terms January 16, 1920.

FOOTNOTES TO AMENDMENT XVIII

1. Peter Odegard, *Pressure Politics*, (New York: Octagon Books, 1966), 75.
2. Charles Mertz, *The Dry Decade*, (New York, 1933), 22.
3. *Congressional Record*, 62nd Congress, 3rd Session, 1912, 49.5: 4291-4292, 4299, 4447.
4. Mertz, 16.
5. *Congressional Record*, 64th Congress, 3rd Session, 1916-1917, 495.
6. Ibid.
7. Ibid, 616.
8. Ibid, 65th Congress, 1st Session, 1917, 55.
9. Ibid, 1st Session, 55, Pt. 1: 197-198.
10. Ibid.
11. Ibid.
12. Ibid., 68th Congress, 2nd Session, 1917, 68, Pt. 5: 5636-5666.
13. Ibid., 65th Congress, 2nd Session, 1917, 54.
14. Ibid.
15. Ibid., 477-478.
16. Alan P. Grimes, Democracy and the Amendments to the Constitution, (Lexington, Massachusetts: D.C. Heath and Company, 1978), 87-88.
17. Ibid., 89.

AMENDMENT XIX

TEXT OF AMENDMENT

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

BACKGROUND

The ratification of the Nineteenth Amendment brought to a close one of the most prolonged struggles for suffrage in American history. Ever since America had won its independence, various disenfranchised groups had sought to be included among the Nation's voters. First, religious qualifications were abolished, followed by property qualifications. Next came the enfranchisement of the Negro during the aftermath of the Civil War. Still, however, the Nation's largest group of non-voters—the women of America—remained disenfranchised.

The earliest attempts to gain voting privileges for women were conducted on the State level. Progress was made during the late 1800s when four States granted women the right to vote. Following these early gains, the women's suffrage movement stalled for over a decade. Then, during the early 1910s, the movement reawoke, and by 1914 the number of States in which women could vote had risen to eleven. These victories in the States, coupled with the growing number of States granting women local voting privileges, injected needed momentum into the nationwide effort to adopt a constitutional amendment that would give all of America's women the right to vote. In addition, congressional representatives from States where women had been enfranchised were, of course, rapidly becoming more sensitive to attempts to introduce a women's suffrage amendment.

During the 63rd Congress (1914–15), the women's movement succeeded, for the first time, in getting both Houses of Congress to vote on the Women's Suffrage Amendment. Although the amendment received a small majority in the Senate, 35, to 34, it fell well short of gaining the necessary two-thirds vote.[1] In the House, the so-called "Susan B. Anthony Amendment" failed to even gain a majority—only 174 Representatives voted for it, while 204 opposed the measure.

In the Senate, the voting on the amendment followed a regional pattern. Senators from the South voted against the measure; those from the West generally voted for it; and the vote among Eastern senators was equally divided. Southern senators opposed the amendment primarily because they believed it robbed the States of the right to establish their own election procedures. Consequently, Federal election officials could more easily enforce Federal voting regulations that ran counter to measures the Southern States had devised to side-step the Fourteenth and Fifteenth Amendments. Thus the South opposed the Women's Suffrage Amendment not because it would enfranchise women, but because it would frustrate its own effort to suppress the Negro vote.

In the South, racism had evolved into an accepted practice since the Civil War. During debates over the Nineteenth Amendment, Senator James K. Vardaman of Mississippi openly called for:

> The repeal of the Fifteenth (and) the modification of the Fourteenth Amendment . . making this Government a government by white men, of white men, for all men, which will be but a realization of the dream of the founders of the Republic.[2]

Senator John Sharp Williams, also of Mississippi, declared that the Fifteenth Amendment was "a horrible mistake" which, he continued, "created race feelings in this country that never existed prior to it. I want this to be a white man's country governed by white men."[3] Voting discrimination was also evident in some parts of the West, due to the large Chinese and Japanese populations on the West Coast. These avowed opponents of the Women's Suffrage Amendment in the South and, to a lesser degree, the West feared that it would reintroduce the issue of racial discrimination into national politics.[4]

By 1918, at least two factors had developed which aided the women's suffrage effort. First, the United States was at war, and thousands of women were performing a new role in society by leaving the home and filling jobs traditionally held by men.[5] Second, the Prohibition Amendment had cleared Congress. Thus a past argument against women's suffrage, that it would lead to the passage of Prohibition, was nullified.

LEGISLATIVE HISTORY

Within the context of these two developments, the Women's Suffrage Amendment came up for a vote in Congress a second time on January 10, 1918. This time, it passed the House of Representatives, 274 to 136, with 17 not voting.[6] Although progress toward passage was seen in the Senate, the Amendment still failed to win a two-thirds majority, 53 to 31.[7] On February 10, 1919, it was resubmitted for a Senate vote and failed again, 55 to 29.[8] During a special session of Congress on May 19, 1919, the Amendment was once more introduced in the House as H.J. Res. 1. The next day it was reported favorably by the House Committee on Women's Suffrage.[9] After one day of floor debate, the House passed the Resolution on May 21, 1919. Two amendments, both regarding the method of ratification, were rejected during the House floor debate.[10]

H.J. Res. 1 was next reported, unamended, by the Senate Committee on Women's Suffrage on May 28, 1919.[11] It was debated by the Senate on June 3 and 4, and passed without amendment on June 4 by a narrow two-thirds majority, 56 to 25.[12] During the floor debate in the Senate, amendments to limit the proposal to white women,[13] substitute conventions for legislatures in the ratification process,[14] and to give primary enforcement responsibility to the States were rejected.[15]

RATIFICATION HISTORY

Once the Nineteenth Amendment gained the approval of Congress, it was little more than a year until Tennessee became the requisite 36th State to ratify the measure, which it did on August 28, 1920. At the time, 48 States comprised the United States. The ratification dates of each of the States appear below:

Illinois	Jun. 10, 1919
Michigan	Jun. 10, 1919
Wisconsin	Jun. 10, 1919
Kansas	Jun. 16, 1919
New York	Jun. 16, 1919
Ohio	Jun. 16, 1919
Pennsylvania	Jun. 24, 1919
Massachusetts	Jun. 25, 1919
Texas	Jun. 28, 1919
Iowa	Jul. 2, 1919
Missouri	Jul. 3, 1919
Arkansas	Jul. 28, 1919
Montana	Aug. 2, 1919
Nebraska	Aug. 2, 1919
Minnesota	Sep. 8, 1919
New Hampshire	Sep. 10, 1919
Utah	Oct. 2, 1919
California	Nov. 1, 1919
Maine	Nov. 5, 1919
North Dakota	Dec. 1, 1919
South Dakota	Dec. 4, 1919
Colorado	Dec. 15, 1919
Kentucky	Jan. 6, 1920
Rhode Island	Jan. 6, 1920
Oregon	Jan. 13, 1920
Indiana	Jan. 16, 1920
Wyoming	Jan. 27, 1920
Nevada	Feb. 7, 1920
New Jersey	Feb. 9, 1920
Idaho	Feb. 11, 1920
Arizona	Feb. 12, 1920
New Mexico	Feb. 21, 1920
Oklahoma	Feb. 28, 1920
West Virginia	Mar. 10, 1920
Washington	Mar. 22, 1920
Tennessee	Aug. 28, 1920

After being ratified by the 36th state, Secretary of State Bainbridge Colby certified the Nineteenth Amendment as part of the Constitution on August 26, 1920. Thereafter, the Amendment was ratified by Connecticut on September 14, 1920; Vermont on February 8, 1921; Maryland on March 29, 1941 (after rejection on February 24, 1920); and Alabama on September 8, 1953 (after rejection on September 22, 1919).

The Amendment was rejected by Georgia on July 25, 1919; South Carolina on January 28, 1920; Virginia on February 12, 1920; Mississippi on March 29, 1920; Delaware on June 2, 1920; and Louisiana on July 1, 1920. No action was taken by Florida or North Carolina.

The Nineteenth Amendment appears officially as 41 Stat. 362.

FOOTNOTES TO AMENDMENT XIX

1. *Congressional Record*, 63rd Congress, 2nd Session, 1914; 51: 5108.
2. Ibid., 5097.
3. Ibid., 5093-5094, 5104.
4. Alan P. Grimes, *Democracy and the Amendments to the Constitution*, (Lexington, Massachusetts: D.C. Heath and Company, 1978), 91.
5. Eleanor Flexnor, *Century of Struggle: The Women's Rights Movement in the United States*, (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 1975), 298.
6. *Congressional Record*, 65th Congress, 2nd Session, 1918, 56: 810.
7. Ibid., 65th Congress, 2nd Session, 1918, 57: 3062.
8. Ibid.
9. Ibid., 66th Congress, 1st Session, 1919, 58: 24.
10. Ibid., 70, 78-93.
11. Ibid., 128, 342-344, 348.
12. Ibid., 556-558, 561-571, 615-635.
13. Ibid., 557-558.
14. Ibid., 633-634.
15. Ibid., 634.

AMENDMENT XX

TEXT OF AMENDMENT

SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

SEC. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

BACKGROUND

In accordance with the constitutional provisions written by the Founding Fathers in 1787, the newly established U.S. Government was to become effective when nine States ratified the Constitution.[1] After the ratification process was completed in June of 1788, the existing Congress designated March 4, 1789 as the official date when the Federal Government, as outlined in the Constitution, would begin operation, This date represented an estimate of the time needed to appoint presidential electors in each State and allow them to cast their ballots for President. In addition, the States needed time to select both Representatives and Senators to serve in the U.S. Congress. As mandated by the Constitution, the President was to serve for 4 years, Senators for 6, and Representatives for 2. All legislative and executive offices, then and in the future, would commence on March 4 and end in subsequent odd-numbered years on the same date.

The problem inherent in this system was that the Constitution, under Article I, Section 4, Clause 2, stipulated:

> The Congress shall assemble at least once in every year, and such a meeting shall be on the first Monday in December, unless they shall by Law appoint a different day.

This meant that, although Congressmen were elected to office in November of even-numbered years, they were not entitled to take office until after the terms of their predecessors expired the following March. Moreover, the new Congressmen would not assemble until the following December. This left a thirteen month lapse from the time of election until the new Congress first convened. In the meantime, defeated or retiring Congressmen would meet in their regular session in December of the election year and continue to hold office until their term expired on March 4 of the next year. This short session of Congress, from December to March, was nicknamed the "lame-duck" session, deriving its title from the stock exchange term meaning "one who was unable to meet his obligations." [2]

The "lame-duck" session of Congress was controversial for a number of reasons. For instance, if the election of the President were thrown into the House of Representatives, the election would be decided not by recently elected Congressmen, but by the "lame-duck" session. In addition, should a session of Congress require more time to conduct its business, the session could not be extended, since the terms of many legislators expired on March 4. The pending business would either have to be postponed until the following December, or a special session of the new Congress would have to be called. Consequently, the "lame-duck" session provided parlimentary advantages for the majority party in Congress. This is why constitutional amendments to eliminate the "lame-duck" session continually faced opposition in Congress.

Objections to the "lame-duck" session were heard long before proposals leading to the Twentieth Amendment were introduced. On the opening day of Congress' first "lame-duck" session in March of 1795, Aaron Burr laid before the Senate a motion introducing a constitutional amendment extending the terms of Congressmen until the first day of June.[3] Again in 1840, Millard Fillmore introduced an amendment that called for the elimination of the "lame-duck" session. Fillmore's resolution provided for the terms of Congressmen to begin on the first day of December, rather than fourth day of March.[4] Several other amendments to the Constitution, which would have altered the terms of office and dates of congressional sessions, were introduced during the last quarter of the nineteenth century. Each of them was defeated.[5]

In 1923, the first of several resolutions introduced by Senator George W. Norris of Nebraska to eliminate the "lame-duck" session was reported by the Senate Committee on Agriculture and Forestry.[6] The measure, S.J. Res. 253, easily passed the Senate on February 13, 63 to 6, 27 not voting.[7] However, as would be the case with several of Norris' resolutions, the House of Representatives defeated the proposal by delaying further action until Congress adjourned in March. The same thing happened in 1924 with S.J. Res. 22 (68th Cong.), and again in 1926 with S.J. Res. 9 (69th Cong.). In 1928, S.J. Res. 47 (70th Cong.) finally made it to a vote in the House, where it gained a majority but failed to receive the necessary two-thirds vote, 209 to 157, 66 not voting and 2 answering "present."[8]

On June 8, 1929, another Norris amendment proposal, S.J. Res. 3 (71st Cong.), passed in the Senate and was sent to the House. Once in the House, the Resolution lay on the Speaker's table until April 17, 1930, when it was finally referred to a House committee. In the meantime, a similar House Resolution, H.J. Res. 292 (71st Cong.), was introduced. This proposal, as amended by Speaker of the House Nicholas Longworth of Ohio, would have required the second session of Congress, which convened in January, to adjourn by May 4 of even-numbered years.[9] H.J. Res. 292 passed easily in the House, 290 to 93, 47 not voting and 1 answering "present."[10] In conference, representatives from the House and the Senate failed to agree on a compromise measure. As a result, hopes for an amendment to the Constitution once again expired with the adjournment of the 71st Congress.[11]

LEGISLATIVE HISTORY

The elections of 1930 resulted in a Democratic landslide in the House. Unlike Longworth, the new Speaker, John N. Garner of Texas, came out in active support of an amendment to remedy the "lame-duck" problem. On January 6, 1932, the sixth Norris Amendment, S.J. Res. 14 (72nd Cong.), was reported in the Senate by the Committee on the Judiciary. During floor consideration in the Senate on January 6, one amendment to limit the second session of Congress was rejected before the Resolution passed, 63 to 7, 25 not voting.[12]

In the House, the Committee on Election of the President, Vice President, and Representatives in Congress reported S.J. Res. 14 with an amendment in the nature of a substitute measure.[13] Among numerous suggested alterations, the substitute proposed ending presidential terms on January 24 and congressional terms on January 4, providing for succession in the event of the death or lack of qualification of the President-elect or Vice President-elect, making provision in case of the death of candidates from which Congress might have to choose a President or Vice President, and setting an effective date for the first two sections of the amendment.

The House began consideration of S.J. Res. 14 under an open rule on February 12, 1932.[14] On February 13, numerous amendments to the committee substitute were offered, all of which were either rejected or withdrawn. The two amendments withdrawn by their sponsors would have required ratification of the amendment within 7 years of its submission to the States and provided that Congress could, by concurrent resolution, set an assembly date other than January 4.[15] The rejected amendments called for ratification of the Twentieth Amendment by State conventions, extension of Representative's terms to 4 years, and limitation of the second session of Congress.

After the House debate concluded, the Election Committee's substitute was approved and recommitted to the committee, with instructions to report it back with a new section establishing a mandatory 7-year ratification period.[16] Once the Resolution was amended accordingly and again reported by the Committee on Election, it passed the House, 204 to 134, 43 not voting.[17] Minor differences between the House and Senate versions were quickly resolved in conference.[18]

RATIFICATION HISTORY

The Twentieth Amendment was sent to the States for ratification in March of 1932; and within 1 year, all 48 States had ratified. Virginia was the first State to ratify, on March 4, 1932; and on January 23, 1933, Utah became the required 36th State to approve the Amendment. The ratification dates of each of the States appear below:

Virginia	Mar. 4, 1932	Oklahoma	Jan. 13, 1933
New York	Mar. 11, 1932	Kansas	Jan. 16, 1933
Mississippi	Mar. 16, 1932	Oregon	Jan. 16, 1933
Arkansas	Mar. 17, 1932	Delaware	Jan. 19, 1933
Kentucky	Mar. 17, 1932	Washington	Jan. 19, 1933
New Jersey	Mar. 21, 1932	Wyoming	Jan. 19, 1933
South Carolina	Mar. 25, 1932	Iowa	Jan. 20, 1933
Michigan	Mar. 31, 1932	South Dakota	Jan. 20, 1933
Maine	Apr. 1, 1932	Tennessee	Jan. 20, 1933
Rhode Island	Apr. 14, 1932	Idaho	Jan. 21, 1933
Illinois	Apr. 21, 1932	New Mexico	Jan. 21, 1933
Louisiana	Jun. 22, 1932	Georgia	Jan. 23, 1933
West Virginia	Jul. 30, 1932	Missouri	Jan. 23, 1933
Pennsylvania	Aug. 11, 1932	Ohio	Jan. 23, 1933
Indiana	Aug. 15, 1932	Utah	Jan. 23, 1933
Texas	Sep. 7, 1932	Colorado	Jan. 24, 1933
Alabama	Sep. 13, 1932	Massachusetts	Jan. 24, 1933
California	Jan. 4, 1933	Wisconsin	Jan. 24, 1933
North Carolina	Jan. 5, 1933	Nevada	Jan. 26, 1933
North Dakota	Jan. 9, 1933	Connecticut	Jan. 27, 1933
Minnesota	Jan. 12, 1933	New Hampshire	Jan. 31, 1933
Arizona	Jan. 13, 1933	Vermont	Feb. 2, 1933
Montana	Jan. 13, 1933	Maryland	Mar. 24, 1933
Nebraska	Jan. 13, 1933	Florida	Apr. 26, 1933

With more than the necessary number of States having ratified, the Twentieth Amendment was certified as part of the Constitution on February 6, 1933, by Secretary of State Henry L. Stimson. Section 5 of the Amendment provided that Section 1 and 2 would become effective on October 15, 1933; therefore, the terms of newly-elected Senators and Representatives began on January 3, 1934, and the terms of the President and Vice President began on January 20, 1937.[19]

The Twentieth Amendment appears officially as 47 Stat. 2569.

FOOTNOTES TO AMENDMENT XX

1. United States Constitution, Acticle VII.
2. Carl Brent Swisher, *American Constitutional Development* (Boston: Houghton Mifflin, Co., 1943), 723.
3. *Annals of the Congress of the United States, 1795* (Washington, D.C.: Gales & Seaton, 1849), 5: 853.
4. *Congressional Globe*, 26th Congress, 2nd Session, 1840, 9: 44.
5. *Congressional Record*, 70th Congress, 2nd Session, 1928–1929, 70: 1–8; H. Doc. 551.
6. *Congressional Record*, 67th Congress, 4th, Session, 1932, 64, Pt. 4: 3505–3507.
7. Ibid., 3540–3541.
8. Ibid., 70th Congress, 1st Session, 1928, 69, Pt. 4: 4430.
9. Ibid., 71st Congress, 3rd Session, 1931, 74, Part 6: 5906–5907.
10. Ibid., 5907–5908.
11. For a summary of these five proposals see: *Congressional Record*, 72nd Congress, 1st Session, 1931–1932, 75.
12. *Congrssional Record*, 1372–1384.

13. Ibid., 72nd Congress, 1st Session, 1932, 75.
14. Ibid.
15. Ibid., 3856-3857, 3875-3876.
16. Ibid., 3857-78.
17. 4059-60.
18. Ibid.
19. *Virginia Commission on Constitutional Government. The Constitution of the United States,* (Richmond, 1965), 36-37.

AMENDMENT XXI

TEXT OF AMENDMENT

SECTION 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SEC. 2. The transportation or importation into any State, Territory or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

BACKGROUND

Once the Eighteenth Amendment was ratified as part of the Constitution in 1919, Congress immediately began to enact legislation to enforce it. The Volstead Act (H.R. 6810, 66th Cong.) which passed in October of 1919, provided for strong enforcement of the Eighteenth Amendment, along with other related laws that had been enacted as wartime measures.[1]

Although enforcement measures were enacted quickly, the Eighteenth Amendment soon came under attack in Federal courtrooms. In the case of *Hawke* v. *Smith,*[2] a referendum attempting to block Ohio's ratification of the Eighteenth Amendment was defeated. In *Rhode Island* v. *Palmer,*[3] the Supreme Court unanimously upheld the validity of the Amendment, although several of the Justices disagreed on the reasoning behind the decision. In *Dillon* v. *Gloss,*[4] the time limit in Section 3 of the Amendment came under attack, as did the Amendment's enforcement methods in the case of *Olmstead* v. *U.S.*[5] Finally, considerable controversy had resulted over State and Federal sovereignty in connection with Section 2 of the Amendment, which gives Congress and the States "concurrent power to enforce this article by appropriate legislation." In *U.S.* v. *Lanza,*[6] the Supreme Court ruled that the States were not required to enforce the Federal laws, but only their existing State laws. Without the help of the States, Federal authorities found it extremely difficult to enforce Prohibition legislation.[7]

In 1928, President Herbert Hoover appointed The National Commission on Law Observance and Enforcement to investigate difficulties in enforcing the Eighteenth Amendment's provisions. The commission's final report, issued in 1931, identified several factors that stood in the way of effective enforcement. These factors included a slow start in enforcement, which had allowed corruption to develop within law enforcement agencies, poor public opinion of Prohibition laws that hindered enforcement efforts, the tremendous profit potential in "bootlegging," and finally, poor cooperation and jurisdictional confusion between State and Federal agencies concerned with enforcement of Prohibition laws. The Commission also issued a number of recommendations, including increased appropriations and numerous improvements in the laws and enforcement procedures.[8]

Beginning in 1929, the Great Depression led much of the Nation to advocate a repeal of Prohibition. It was argued that substantial revenue could be collected if the business of "bootlegging," then running into the millions of dollars, were to be legalized, properly regulated and taxed. Legalization of the illicit alcohol beverage industry was also seen as a way to provide employment for thousands of unemployed workers.[9]

Another factor that contributed to the ultimate repeal of the Eighteenth Amendment became apparent with the release of the 1920 Census. It showed that, for the first time in the Nation's history, the majority of Americans were urban-based rather than rural. Thus, when the Congressional districts were reapportioned in 1929, the rural areas, which had strongly supported Prohibition, lost representation, while the anti-Prohibition urban areas of the Nation gained representation.[10]

By 1932, the platforms of both the Republican and Democratic parties began to question the propriety of Prohibition. The Republicans suggested submitting the issue to State conventions for consideration, while the Democrats took a much stronger stand against Prohibition. The democratic platform included these words:

> We advocate the repeal of the Eighteenth Amendment. To effect such a repeal we demand that the Congress immediately propose a constitutional amendment to truly representative conventions in the States called to act soley on that proposal.[11]

A strong Democratic victory in the elections of 1932 virtually ensured the repeal of the Eighteenth Amendment. However, before the new 73rd Congress even had the chance to convene, the 72nd Congress, meeting in the last "lame-duck" session before the Twentieth Amendment became effective, quickly passed a resolution calling for the repeal of Prohibition.

LEGISLATIVE HISTORY

S.J. Res. 211 (72nd Cong.) was reported favorably by the Senate Committee on the Judiciary with an amendment in the nature of a substitute.[12] The Committee amendment consisted of four sections: Section 1, to repeal the Eighteenth Amendment; Section 2, to reserve to the States, territories, and possessions the power to regulate the traffic of intoxicating liquors; Section 3, to endow Congress with concurrent power to regulate or prohibit consumption of intoxicating liquors where they were sold; and Section 4, to require ratification of the article within 7 years after its submission to the States.

The Senate began consideration of S.J. Res. 211 on February 14, 1933.[13] On February 15, amendments were offered that would strike Sections 2 and 3 from the proposal and provide for ratification by State conventions, rather than by legislatures.[14] When debate concluded, the amendment to substitute conventions for legislatures passed,[15] as did a proposal to delete Section 3 of the committee amendment.[16]

Of February 16, another resolution, S.J. Res. 202, was offered as a substitute for S.J. Res. 211. It called for a restriction on the sale of intoxicating liquors for consumption at the palce of sale.[17] This, along with a number of related amendments, was rejected by the Senate.[18] Later, on February 16, the Resolution passed the Senate, as amended, 63 to 23, 10 not voting.[19]

On February 20, S.J. Res. 211 was taken directly from the Speaker's desk and, under a suspension of the rules, quickly passed the House, 289 to 121, 16 not voting.[20] Earlier in the session, another resolution (H.J. Res. 4801) to repeal the Eighteenth Amendment had failed of passage under suspension of the rules.[21]

RATIFICATION HISTORY

Once the Twenty-first Amendment passed Congress in February of 1933, it was immediately sent to the States for ratification.[22] In accordance with Section 3 of the Amendment and for the first time since the ratification of the Constitution, the process was to be conducted by State conventions, rather than the legislatures. The procedures for assembling State conventions to ratify an amendment to the Constitution, not having an historical precedent, led to confusion among the States. Many States argued that Congress should instruct them on the manner in which the conventions should be called. Other States, deciding that the matter was clearly within their own jurisdiction, began to enact the appropriate legislation. Eventually, each State organized its own convention, with the number of delegates varying from 329 in Indiana to just three in New Mexico. A general consensus formed among the States that the purpose of the conventions was not to debate, but merely to meet and vote on the Amendment.

Once the State conventions finally began to act on the Twenty-first Amendment, it required less than 10 months to be ratified by the necessary three-fourths of the States. Since 48 states were in the Union, 36 State ratifications were needed.[23] Printed below are the ratification dates for each State that ratified the Twenty-first Amendment:

Michigan	Apr. 10, 1933
Wisconsin	Apr. 25, 1933
Rhode Island	May 8, 1933
Wyoming	May 25, 1933
New Jersey	Jun. 1, 1933
Delaware	Jun. 24, 1933
Indiana	Jun. 26, 1933
Massachusetts	Jun. 26, 1933
New York	Jun. 27, 1933
Illinois	Jul. 10, 1933
Iowa	Jul. 10, 1933
Connecticut	Jul. 11, 1933
New Hampshire	Jul. 11, 1933
California	Jul. 24, 1933
West Virginia	Jul. 25, 1933
Arkansas	Aug. 1, 1933
Oregon	Aug. 7, 1933
Alabama	Aug. 8, 1933
Tennessee	Aug. 11, 1933
Missouri	Aug. 29, 1933
Arizona	Sep. 5, 1933
Nevada	Sep. 5, 1933
Vermont	Sep. 23, 1933
Colorado	Sep. 26, 1933
Washington	Oct. 3, 1933
Minnesota	Oct. 10, 1933
Idaho	Oct. 17, 1933
Maryland	Oct. 18, 1933
Virginia	Oct. 25, 1933
New Mexico	Nov. 2, 1933
Florida	Nov. 14, 1933
Texas	Nov. 24, 1933
Kentucky	Nov. 27, 1933
Ohio	Dec. 5, 1933
Pennsylvania	Dec. 5, 1933
Utah	Dec. 5, 1933
Maine	Dec. 6, 1933
Montana	Aug. 6, 1934

The Eighteenth Amendment was rejected by South Carolina on December 4, 1933. At a referendum conducted on November 7, 1933, the people of North Carolina voted against holding a ratifying convention. Nebraska, Oklahoma, and South Dakota had scheduled conventions for various times in 1934, but did not hold them, since the amendment had already been ratified. Finally, Georgia, Kansas, Louisiana, Mississippi, and North Dakota failed to pass laws calling for conventions.[24]

On December 5, 1933, acting Secretary of State William Phillips certified the Twenty-first Amendment as part of the Constitution. The amendment appears officially as 48 Stat. 1749.

FOOTNOTES TO AMENDMENT XXI

1. *Congressional Record*, 66th Congress, 1st Session, 1919, 58, Pt. 8: 7607.
2. *U.S. Reports*, Hawke v. Smith, 1920, Washington, 253 US 221.
3. *U.S. Reports*, Rhode Island v. Palmer, 1120, Washington, 253 US 350.
4. *U.S. Reports*, Dillon v. Gloss, 1921, Washington, 256: 368.
5. *U.S. Reports*, Olmstead v. U.S., 1928, Washington, 277: 438.
6. U.S. Reports, U.S. v. Lanza, 1922, Washington, 260: 377.
7. J.P. Chamberlain, "Enforcement of the Volstead Act Through State Agencies", *American Bar Association Journal*, June, 1929, X: 391-397.
8. H. Doc. 722, "U.S. National Commission on Law Observance and Enforcement of the Prohibition", *Congressional Record*, 71st Congress, 3rd Session, 1931, 74.3: 2976.
9. Carl Brent Swisher, American Constitutional Development, (Boston: Houghton Mifflin Co., 1943), 714.
10. Alan P. Grimes, *Democracy and the Amendments to the Constitution*, (Lexington, Massachusetts: D.C. Heath and Company, 1978), 109-110.
11. Ibid.
12. Senate Report No. 1022; *Congressional Record*, 72nd Congress, 2nd Session, 1933, 76.
13. *Congressional Record*, 72nd Congress, 2nd Session, 1933, 76: 4002, 4055-4061.
14. Ibid., 4138-79.
15. Ibid., 4169.
16. Ibid., 4179.
17. Ibid., 4211.
18. Ibid., 4225-4230.
19. Ibid., 4231.
20. Ibid., 4508-4516.
21. Ibid., 6-13.
22. Ibid., 72nd Congress, 1st Session, 1932, 75, Pt. 4: 4565.
23. Everett S. Brown, "The Ratification of the Twenty-first Amendment", *American Political Science Review*, December, 1935.
24. *Virginia Commission on Constitutional Government, The Constitution of the U.S.* (Richmond: 1965), 38.

AMENDMENT XXII

TEXT OF AMENDMENT

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SEC. 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

BACKGROUND

Until the ratification of the Twenty-second Amendment, the Constitution had remained silent concerning the number of terms a President may serve. Article II, Section 1, Clause 1 reads:

> The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the term of four years, and together with the Vice President, chosen for the same term.

That the Framers failed to specify the number of terms a President could serve does not mean that the issue was not debated during the Constitutional Convention of 1787. During the congressional debates over the Twenty-second Amendment in 1951, a history of the Constitutional Convention's debates over the length and number of presidential terms was presented:

> On May 29, 1787, Edmund Randolph, Governor of Virginia, presented to the Constitutional Convention a plan of government consisting of 15 resolutions, No. 7 of which provided for a single executive "to be chosen by the national Legislature for a term of — years . . . to be ineligible a second time." On the same day, a plan was presented by Charles Pinckney of South Carolina whereby the Executive was to be elected for a term of years (left blank in the resolution), and was to be reeligible. Both plans were referred to the Committee of the Whole.
>
> On June 1 the question of instituting an executive was taken up by the convention. On a motion for a 7-year term, New York, New Jersey, Delaware, Pennsylvania, and Virginia voted "aye," Connecticut, North Carolina, South Carolina, and Georgia voted "no." The vote of the Massachusetts delegates was divided and the motion was declared carried.
>
> On June 2 a motion was carried to make the Executive ineligible after 7 years was carried, 7 to 2.
>
> On June 15 Mr. Patterson of New Jersey offered a substitute for the Randolph plan. Article 4 of the Patterson plan recommended the election of an executive to continue in office for a term of years and to be eligible for a second time.
>
> On June 19 the Randolph plan was reported by the Committee of the Whole. It provided that the Executive should be elected for a 7-year term and should be ineligible a second time. On July 17 an amendment striking out the provision for "ineligibility a second time" was adopted by the convention by a 6 to 4 vote.
>
> On July 25 the final action not having been taken in the meantime, the question of the selection of the Executive was again taken up. A motion that the Executive

be chosen by the Legislature with the provision that no person be eligible for more than 6 years in any 12 years was defeated by a 6 to 5 vote.

On July 26 the convention referred its proceeding (from July 23) to the Committee on Detail, and adjourned to meet again on Monday, August 6.

On August 6 the Committee on Detail reported the resolution, unchanged it its provisions regarding the 7-year term without reelection.

On August 24 article X, which contained the above resolution, was taken up. On September 24 the Committee of Eleven, to which various resolutions had been referred, recommended that certain alterations be made to the report of the Committee of the Whole. Among the alterations suggested was the provision relating to the term of the Executive which, as reported from the Committee of the Eleven, read: "He shall hold his office during the term of 4 years."

On September 6 . . . a motion to make the term 7 and one to make it 6 years instead of 4, as suggested by the Committee of Eleven, were defeated.

On September 15 it was finally agreed that the President be chosen by an electoral college for 4 years, no limit as to reeligibility being fixed.[1]

Beginning with George Washington, the tradition of an American two-term president was established. Thomas Jefferson followed Washington's precedent by limiting himself to two terms, as did succeeding presidents until President Franklin D. Roosevelt was elected to four terms, beginning in March of 1933. Although previous to Roosevelt's extended administration the two-term tradition was regarded as an unwritten law, numerous attempts had been made throughout America's history to secure it through an amendment to the Constitution. In fact, from the time of the ratification of the Constitution, some 150 attempts to alter the tenure of the President's office by amendment were introduced in Congress. Few, if any, amendments to the Constitution have such a prolonged legislative history.[2]

As early as May 2, 1788, Thomas Jefferson wrote to George Washington that he was very concerned with the unlimited eligibility for presidential reelection: "This I fear, will make an office for life." Jefferson advocated a 7-year term for the President, without the opportunity for reelection. In 1803, the Senate rejected a resolution that stated "that no person who has been twice successively elected President shall be eligible as President until four years and no longer." In 1824 and 1826, the Senate passed joint resolutions limiting the President to two terms. In both instances, no action was taken in the House. During Andrew Jackson's Administration, 21 joint resolutions were introduced in Congress, each intended to limit the President's term in some way. In 1841, the legislatures of Vermont, Indiana, Delaware, Maine, Massachusetts, Connecticut, and Rhode Island sent "one-term" amendments to Congress.

On December 15, 1875, the House passed a resolution introduced by Representative William Springer of Illinois. The House passed the resolution without debate, 234 to 18, 38 not voting. Springer's resolution read:

> *Resolved*, That in the opinion of this House the precedent established by Washington and other Presidents of the United States in retiring from the Presidential office after their second term has become, by universal occurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

During the period following President Grover Cleveland's reelection in 1892, 13 amendments were introduced to limit the President's term in various ways. In 1894, Representative William Jennings Bryan proposed three "one-term" amendments and one that would have made the President ineligible to succeed himself.

During the next decade, 21 similar amendments were introduced by various members of Congress. On February 1, 1913, the Senate passed a joint resolution limiting the President to one 6-year term. The House failed to take action on the Resolution.

On February 21, 1927, Representative Benjamin L. Fairchild of New York introduced the following as an amendment to the Constitution:

> No person shall be eligible to the office of President who has previously served two terms, whether by election or succession due to the removal, death, resignation or inability of the President where the term by succession shall have continued for a period of 2 years or more.

One day later, Senator Robert M. La Follette of Wisconsin introduced a similar measure in the Senate. However, no action was taken on the resolutions in either House during the 69th Congress. On January 27, 1928, the La Follette resolution was reintroduced in the Senate, amended, as passed on February 10, to read virtually the same as the Springer resolution passed by the House in 1875. However, the La Follette Resolution was defeated in the House.[3]

LEGISLATIVE HISTORY

Despite repeated attempts to amend the Constitution over a period of more than 150 years, it was not until the 80th Congress that an amendment to limit the President to two terms was finally successful. The 80th Congress, convening in 1946, was the first to have a Republican majority since 1928. During the previous years, dominated by the Roosevelt administration, the Republicans had been unable to halt the President and his New Deal legislation. During the debates over the Twenty-second Amendment, the Republicans argued that Roosevelt had accumulated inappropriate power due to his long tenure as President. Representative Louise E. Graham of Pennsylvania warned:

> We have seen the evil of perpetuation of centralization of government, of control through great bureaucracies, appointment of courts and control of our foreign relations, all due to the built-up, accumulated potency and power of one man remaining too long in public office.[4]

Representative John M. Robison of Kentucky added:

> He [Roosevelt] created hundreds and hundreds of bureaus, commissions, and agencies and at one time had more than 4,000,000 Federal civil officeholders in this country and in foreign countries. Through the agencies and officials, they attempted and did, to a large degree, control agriculture, industry, labor, and many of the normal activities of the American people. Power feeds power.[5]

Within an atmosphere of extreme Republican dissatisfaction over the results of the prolonged Roosevelt Administration and its policies, H.J. Res. 27 was introduced and reported favorably by the House Committee on the Judiciary on February 4, 1947.[6] Two days later, on February 6, the Resolution was brought to the House floor under a gag rule that limited debate on the measure to 2 hours and consideration of amendments to 5 minutes.[7] That same day by a vote of 285 to 121, 26 not voting, the House passed H.J. Res. 27, but not before it had rejected both a substitute amendment to limit the tenure of the offices of President and Vice President to 6 years and an amendment to require ratification by State conventions rather than legislatures.[8]

The Senate Committee on the Judiciary reported H.J. Res. 27 favorably, but with three proposed amendments.[9] The first and third amendments called for ratification by State conventions. The second revised the language of the Resolution to provide for the contingency of succession by a Vice President so that no person could serve as President for more than 9 years.

The Senate began consideration of the H.J. Res. 27 on March 3, 1947.[10] On March 10, the Senate rejected the first of the Judiciary Committee's amendments,[11] and 2 days later, a substitute amendment containing the final language of Section 1 was adopted.[12] Also on March 12, the Senate rejected amendments calling for the popular election of the President and Vice President and limiting the total tenure of any President, Vice President, Senator, or Representatives to 6 years.[13] The resolution was then passed by the Senate, as amended, 59 to 23, 13 not voting.[14] On March 21, 1947, the House concurred in the Senate version.[15]

RATIFICATION HISTORY

When the Twenty-second Amendment was sent to the States for ratification on March 24, 1947, 48 states were in the Union.[16] Consequently, 36 States were required to ratify before the amendment would become part of the Constitution. Maine provided the first ratification on March 31, 1947, and Minnesota the 36th on February 27, 1951. The ratification dates of each of the States are printed below:

Maine	Mar. 31, 1947
Michigan	Mar. 31, 1947
Iowa	Apr. 1, 1947
Kansas	Apr. 1, 1947
New Hampshire	Apr. 1, 1947
Delaware	Apr. 2, 1947
Illinois	Apr. 3, 1947
Oregon	Apr. 3, 1947
Colorado	Apr. 12, 1947
California	Apr. 15, 1947
New Jersey	Apr. 15, 1947
Vermont	Apr. 15, 1947
Ohio	Apr. 16, 1947
Wisconsin	Apr. 16, 1947
Pennsylvania	Apr. 29, 1947
Connecticut	May. 21, 1947
Missouri	May. 22, 1947
Nebraska	May. 23, 1947
Virginia	Jan. 28, 1948
Mississippi	Feb. 12, 1948
New York	Mar. 9, 1948
South Dakota	Jan. 21, 1949
North Dakota	Feb. 25, 1949
Louisiana	May 17, 1950
Montana	Jan. 25, 1951
Indiana	Jan. 29, 1951
Idaho	Jan. 30, 1951
New Mexico	Feb. 12, 1951
Wyoming	Feb. 12, 1951
Arkansas	Feb. 15, 1951
Georgia	Feb. 17, 1951
Tennessee	Feb. 20, 1951
Texas	Feb. 22, 1951
Utah	Feb. 26, 1951
Nevada	Feb. 26, 1951
Minnesota	Feb. 27, 1951
North Carolina	Feb. 28, 1951
South Carolina	Mar. 13, 1951
Maryland	Mar. 14, 1951
Florida	Apr. 16, 1951
Alabama	May. 4, 1951

The Twenty-second Amendment was rejected by Massachusetts on June 6, 1949 and by Oklahoma in June of 1947. No action was taken by Arizona, Kentucky, Rhode Island, Washington, and West Virginia.

On March 1, 1951, the Twenty-second Amendment was certified as part of the Constitution by Jess Larson, Administrator of General Services. The amendment appears officially as 16 Fed. Reg. 2019.[17]

FOOTNOTES TO AMENDMENT XXII

1. *Congressional Record*, 80th Congress, 1st Session, 1947, 93, Pt. 2: 1952-1953.
2. Ibid., 851.
3. Ibid., 1953-1954.
4. Ibid., 848.
5. Ibid., 849.
6. House Report No. 17, 80th Congress, 1st Session, 1947.
7. *Congressional Record*, 80th Congress, 1st Session, 1947, 93, Pt. 2: 841.
8. Ibid., 841-872.
9. Senate Report No. 34, 80th Congress, 1st Session, 1947.
10. *Congressional Record*, 80th Congress, 1st Session, 1947, 93: 1611.
11. Ibid., 1862.
12. Ibid., 1944-1959.
13. Ibid., 1959-1963.
14. Ibid., 1978.
15. Ibid., 2389-2392.
16. Ibid., 2432.
17. *Virginia Commission on Constitutional Government, The Constitution of the United States*, (Richmond, 1965), 39.

AMENDMENT XXIII

TEXT OF AMENDMENT

SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

BACKGROUND

When the Twenty-third Amendment was proposed in Congress, the District of Columbia had over 800,000 residents—a population greater than thirteen of the States. Those who lived in the Nation's capital had all the obligations of citizenship, including payment of Federal and local taxes and service in the armed forces. Yet they were prevented from voting in national elections, since the U.S. Constitution reserved that privilege to residents of the States.

During the debates of the Constitutional Convention of 1787, it was urged that some provision be made in the Constitution for a seat of government under exclusive Federal control. It was also suggested that this seat of government be located independently of any State capital, since placing the two governments in the same city would tend "to produce disputes concerning jurisdiction" and because the intermixture of the two legislatures would give "a provincial tincture" to the national deliberations. The proposal was adopted and was included among the enumeration of congressional powers in Article I, Section 8, Clause 17 of the Constitution:

> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful buildings.

In 1788 and 1789, both Maryland and Virginia ceded territory to the Federal Government. The Congress then, through laws signed on July, 16, 1790 (1 Stat. 130) and March 3, 1791 (1 Stat. 214), established the District of Columbia, which in turn was declared the Nation's capital in the election of 1800.[1]

Because the District of Columbia was not a State, it was denied suffrage in Federal elections. This decision was based on Article II, Section 1 of the Constitution, which states in part:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

Since the clause mentions only "States" as eligible to appoint electors, it was interpreted in such a way as to deny the citizens of the District of Columbia the privilege of voting in Federal elections.

LEGISLATIVE HISTORY

This interpretation of the Constitution remained unchallenged for nearly 170 years. It began to change, however, with the introduction of S.J. Res. 39 (86th Cong.) by Senator Estes Kefauver of Tennessee on January 29, 1959.[2] Interestingly, Senator Kefauver's resolution, which would eventually evolve into the Twenty-third Amendment, initially had nothing to do with voting rights in the District of Columbia. Indeed, the stated purpose of the Resolution was:

> To amend the Constitution to enable the executive authority of each State to make temporary appointments to fill vacancies in representation in the House of Representatives whenever such vacancies exceed half the authorized membership of that body.[3]

Such a resolution stemmed from concerns at this time regarding the appointment of members to the House of Representatives in case a large number of that body were killed in a nuclear attack. The Constitution already provided for the appointment of the President, Vice President, and Senators but did not mention a method for appointing Representatives. A statement from the Senate report on S.J. Res. 39 further clarifies its intent:

> When the Constitution was drafted, the ability to destroy people on a mass basis by use of weapons of war had not been developed. It was, therefore, highly unlikely that the membership of the House of Representatives could be so decimated as to render that body incapable of exercising its constitutional functions. Indeed, the Founding Fathers had no basis on which to predicate any such assumption.
>
> Regrettably, this is not the situation today.[4]

The original purpose of S.J. Res. 39 was soon to become intertwined with two other contemporary social issues. As mentioned earlier, what would later become the Twenty-third Amendment was totally unrelated to the emergency appointment of members to the House of Representatives.

After its introduction, S.J. Res. 39 was referred to the Senate Committee on the Judiciary. The Committee in turn reported the Resolution favorably on July 22, 1959. Once on the floor, Senator Spessard L. Holland of Florida proposed an amendment to abolish State poll taxes or property qualifications as prerequisites to voting rights in the Federal elections.[5] Senator Kenneth B. Keating of New York then proposed an additional amendment giving residents of the District of Columbia the right to vote in Presidential elections. The Keating Amendment also sought to grant the District of Columbia representation in the House of Representatives.[6] On February 2, 1960, both amendments passed easily in the Senate, 70 to 18, 12 not voting.[7]

The measure was then sent to the House of Representatives and referred to the House Judiciary Committee on February 3, 1960. The Committee deleted the first two provisions of S.J. Res. 39—

those pertaining to the temporary appointment of Representatives and the prohibition of poll taxes and property qualifications as prerequisites to voting in Federal elections. Also deleted was the provision granting representation in the House of Representatives to the District of Columbia. As amended, the Resolution was reported out of the Judiciary Committee on May 31, 1960[8] and passed in the House on June 14 without a rollcall vote. The Senate adopted the House amendments, without further amendment, on June 16.[9]

RATIFICATION HISTORY

On June 21, 1960, the proposed Twenty-third Amendment, ultimately modified to grant Electoral College representation to the District of Columbia, was submitted to the States for ratification. With 50 States now in the Union, a total of 38 States were required to ratify, and in the unusually short period of 9 months the process was completed. Only the Twelfth and Twenty-first Amendments had required less time for ratification. The ratification dates of each State that ratified the Twenty-third Amendment appear below:

Hawaii	Jun. 30, 1960	Delaware	Feb. 20, 1061
Massachusetts	Aug. 22, 1960	Wisconsin	Feb. 21, 1961
New Jersey	Dec. 19, 1960	Pennsylvania	Feb. 28, 1961
New York	Jan. 17, 1961	Indiana	Mar. 3, 1961
California	Jan. 19, 1961	North Dakota	Mar. 3, 1961
Oregon	Jan. 27, 1961	Tennessee	Mar. 6, 1961
Maryland	Jan. 30, 1961	Michigan	Mar. 8, 1961
Idaho	Jan. 31, 1961	Connecticut	Mar. 9, 1961
Maine	Jan. 31, 1961	Arizona	Mar. 10, 1961
Minnesota	Jan. 31, 1961	Illinois	Mar. 14, 1961
New Mexico	Feb. 1, 1961	Nebraska	Mar. 15, 1961
Nevada	Feb. 2, 1961	Vermont	Mar. 15, 1961
Montana	Feb. 2, 1961	Iowa	Mar. 16, 1961
South Dakota	Feb. 6, 1961	Missouri	Mar. 20, 1961
Colorado	Feb. 8, 1961	Oklahoma	Mar. 21, 1961
Washington	Feb. 9, 1961	Rhode Island	Mar. 22, 1961
West Virginia	Feb. 9, 1961	New Hamsphire	Mar. 29, 1961
Alaska	Feb. 10, 1961	Kansas	Mar. 30, 1961
Utah	Feb. 16, 1961	Ohio	Mar. 30, 1961
Wyoming	Feb. 17, 1961		

On March 29, 1961, an unusual occurrence took place. By this date, 36 States had ratified the Amendment. Within an hour, the legislatures of New Hampshire, Kansas, and Ohio, respectively, voted to ratify. It appeared then that Kansas had supplied the necessary 38th ratification. New Hampshire, discovering that Ohio would not officially complete its ratification until noon on March 30, rescinded its own ratification of March 29. New Hampshire then reratified the Amendment at 11:00 on the morning of March 30, therby laying claim as the 38th State to ratify.

Arkansas was the only State to reject the Amendment, on January 24, 1961. The remaining States took no action on the measure.

On April 4, 1961, John L. Moore, the Administrator of General Services, issued the certificate of adoption proclaiming the Twenty-third Amendment as part of the Constitution.[10] It appears officially as 74 Stat. 1057.

FOOTNOTES TO AMENDMENT XXIII

1. House Report No. 1689, 86th Congress, 2nd Session, 1959.
2. *Congressional Record*, 86th Congress, 1st Session, 1959, 105, Pt. 2: 1317.
3. Senate Report No. 561, 86th Congress, 1st Session, 1959.
4. Ibid.
5. *Congressional Record*, 86th Congress, 1st Session, 1959, 105, Pt. 2: 1320, 1380-1383, 1528-1541, 1598-1624, 1715-1728, 1744, 1748, 1749-1757.
6. Ibid., 1757-1762, 1764.
7. Ibid., 1765.
8. House Report No. 1698, 86th Congress, 2nd Session, 1960.
9. *Congressional Record*, 86th Congress, 2nd Session, 1960, 106, Pt. 10, 12858.
10. *Virginia Commission on Constitutional Government, The Constitution of the United States*, (Richmond, 1965), 40.

AMENDMENT XXIV

TEXT OF AMENDMENT

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

BACKGROUND

Throughout the history of the United States, the Constitution had protected the right of each individual State to determine its own Federal election procedures and voting qualifications. This right was founded on Article II, Section 1, Clause 2 of the Constitution:

> Each State shall appoint, in such manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

In the opinon of many, this power was frequently used by the States as a means to discriminate against potential voters. Early in the Nation's history, ownership of property was requisite to the right to vote. Property requirements, however, were gradually abandoned in favor of poll taxes. After the Civil War, in particular, poll tax statutes were established in several States in order to prevent Negroes from voting.[1] Consequently, during the debates over the Twenty-fourth Amendment, its proponents fought against poll tax statutes as being discriminatory in nature. Citing a study conducted by the American Heritage Foundation in the early 1960s, proponents pointed out that the five States that enforced a poll tax during the 1960 presidential election were among the bottom seven States in the percentage of citizens voting.

Opponents of the Twenty-fourth Amendment, on the other hand, could point to ample evidence to support their argument that poll taxes were not discriminatory and could be properly enforced according to State discretion. For example, in 1951 the Supreme Court, in *Butler* v. *Thompson,* rendered a decision which reads in part:

> The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges of immunities of the citizens of the United States which are protected by the 14th Amendment. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election of Members of Congress is set out in article I, section 2, clause 1 of the Federal Constitution, which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.[2]

Earlier, in 1937, the Supreme Court had made another ruling regarding the validity of poll taxes. In the case of *Breedlove* v. *Suttles,* the Court decided that:

> To make payment of poll taxes a prerequisite to voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State, and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as may deem appropriate.[3]

Additional evidence supporting those who favored State's rights in establishing poll taxes was seen in The Civil Rights Commission Report of 1959. The report ruled that poll taxes could not be considered discriminatory, primarily because they were extremely difficult to administer so as to bar Negroes from voting. In 1961, the Commission report again contained no references to poll taxes as being used to discriminate against blacks.[4]

If, on the other hand, poll taxes could have been clearly shown to be discriminatory, statutory legislation prohibiting their use could have easily been enacted under the Fourteenth of Fifteenth Amendments. However, no such findings had been verified. Moreover, the protection of State's rights in Article II, Section 1 of the Constitution, along with the Supreme Court decisions in *Butler* and *Breedlove,* virtually ensured that poll taxes would continue to be enforced in the States. As a result, those seeking the abolition of poll taxes concluded that nothing short of an amendment to the Constitution would prohibit the continued practice of taxing otherwise eligible voters at the polls.

The first to introduce such an amendment was Senator Spessand L. Holland of Florida, on January 13, 1947.[5] As a State Senator in Florida during the 1930s Senator Holland had launched a campaign against poll taxes and had been successful in passing legislation to repeal the tax in his home State. Holland's first resolution to repeal the poll tax was defeated in the Senate, as were six identical resolutions introduced by the Senator in the next six successive sessions.[6]

LEGISLATIVE HISTORY

On February 26, 1961, the last of Senator Holland's resolutions, S.J. Res. 58 (87th Cong.), was introduced and referred to the Judiciary Committee.[7] By June of 1961, the Resolution had gained 67 cosponsors and seemed certain to pass the Senate.[8] However, Senator James O. Eastland of Mississippi, Chairman of the Judiciary Committee, and other members of the Committee were strongly opposed to efforts to repeal the poll tax. Consequently, S.J. Res. 58 remained tied up in committee.

Undaunted in his effort to bring his proposal to the Senate floor, Holland employed a parliamentary ruse. On March 14, 1962, S.J. Res. 29 (87th Cong.), a resolution to establish the home of Alexander Hamilton as a national monument, was reported for floor action by the Committee on Interior and Insular Affairs. As previously planned, the actual subject of debate turned to an amendment offered by Senator Holland stating that a citizen's right to vote could not be denied for failure to pay a poll tax.[9] For the next 10 days, a filibuster was successful in halting further consideration of S.J. Res. 29. Finally, after a lengthy debate on March 26, the Senate adopted a resolution to proceed with further consideration of the Resolution.

Once the motion to further consider S.J. Res. 29 was adopted, perfecting amendments that had been recommended by the Committee on Interior and Insular Affairs to the original resolution were agreed to en bloc.[10] Immediately thereafter, the Holland Amendment was again offered in the nature of a substitute.[11] The Amendment was readily adopted by the Senate on the following day, March 27.[12] Also on March 27, two other amendments were offered. The first called for another amendment to the Constitution entitling the District of Columbia to elect Senators and Representatives in Congress. The other would have substituted a statute for the consitutional amendment to eliminate the poll tax.[13] The Senate then passed S.J Res. 29, as amended, 77 to 16, 7 not voting.[14]

In the House, the Committee on the Judiciary reported the Resolution favorably without amendments.[15] Then on August 27, 1962, the House leadership brought the resolution to the floor under a suspension of the rules.[16] Such a move meant the imposition of a gag rule limiting debate on the measure to 40 minutes. Moreover, under the rule, S.J. Res. 29 could not be amended.[17] The strict gag rule helped the Resolution gain immediate passage in the House that same day by an overwheleming vote, 294, to 86, 54 not voting and one answering "present." [18]

RATIFICATION HISTORY

With the approval of both Houses of Congress, the proposed Twenty-fourth Amendment was submitted to the 50 States for ratification on September 14, 1962. Thirty-eight State ratifications were required for the amendment to become part of the Constitution. On February 24, 1964, the certificate of adoption was signed by Bernard L. Boulin, Administrator of General Services, in the presence of President Lyndon B. Johnson.[19] The dates of the several State ratifications appear below:

Illinois	Nov. 14, 1962	Idaho	Mar. 8, 1963
New Jersey	Dec. 3, 1962	Washington	Mar. 14, 1963
Oregon	Jan. 25, 1963	Vermont	Mar. 15, 1963
Montana	Jan. 28, 1963	Nevada	Mar. 19, 1963
West Virginia	Feb. 1, 1963	Connecticut	Mar. 20, 1963
New York	Feb. 4, 1963	Tennessee	Mar. 21, 1963
Maryland	Feb. 6, 1963	Pennsylvania	Mar. 25, 1963
California	Feb. 7, 1963	Wisconsin	Mar. 26, 1963
Alaska	Feb. 11, 1963	Kansas	Mar. 28, 1963
Rhode Island	Feb. 14, 1963	Massachusetts	Mar. 28, 1963
Indiana	Feb. 19, 1963	Nebraska	Apr. 4, 1963
Utah	Feb. 20, 1963	Florida	Apr. 18, 1963
Michigan	Feb. 20, 1963	Iowa	Apr. 24, 1963
Colorado	Feb. 21, 1963	Delaware	May 1, 1963
Ohio	Feb. 27, 1963	Missouri	May 13, 1963
Minnesota	Feb. 27, 1963	New Hampshire	Jun. 12, 1963
New Mexico	Mar. 5, 1963	Kentucky	Jun. 27, 1963
Hawaii	Mar. 6, 1963	Maine	Jan. 16, 1964
North Dakota	Mar. 7, 1963	South Dakota	Jan. 23, 1964

The amendment was rejected by Mississippi on December 20, 1962. The remainder of the States took no action on the measure.

The Twenty-fourth Amendment appears officially as 76 Stat. 1259 and 25 Fed. Reg. 1717.

FOOTNOTES TO AMENDMENT XXIV

1. House Report No. 1821, 87th Congress, 2nd Session, 1962.
2. *U.S. Reports,* Butler v. Thompson, 1951, Washington, 95: 694.
3. *U.S. Reports,* Breedlove v. Suttles, 1937, Washington, 302: 277.
4. House Report No. 1821, 87th Congress, 2nd Session, 1962.
5. *Congressional Record,* 84th Congress, 1st Session, 1955, 101, Pt. 1: 176.
6. For a complete history of these bills and other legislation in relation to poll taxes, see: "Abolition of Poll Tax in Federal Elections", hearing before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 87th Congress, 2nd Session, 12 March, 1962, 29-47.
7. *Congressional Record,* 87th Congress, 1st Session, 1961, 107, Pt. 3: 2766.
8. Ibid., 9232.
9. Ibid., 2nd Session, 4150.
10. Ibid., 5042.
11. Ibid., 5042-5043.
12. Ibid., 5104.
13. Ibid., 5088-5102.
14. Ibid., 5105.
15. House Report No. 1821, 87th Congress, 2nd Session, 1962.
16. *Congressional Record,* 87th Congress, 2nd Session, 1962, 108, Pt. 13: 17654-17670.
17. House Report No. 1821, 87th Congress, 2nd Session, 1962.
18. *Congressional Record,* 87th Congress, 2nd Session, 1962, 108, Pt. 13: 17654-17670.
19. *Virginia Commission on Constitutional Government, The Constitution of the United States,* (Richmond, 1965), 41.

AMENDMENT XXV

TEXT OF AMENDMENT

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives has written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives has written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Background

In outlining the duties and functions of the President of the United States, the Framers of the Constitution included provisions regarding the continuity of the Executive in cases of death, resignation, inability to perform, or removal from office. Article II, Section 1, Clause 5 reads:

> In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

In several respects, this provision of the Constitution is unclear, and eventually it presented a number of questions insufficiently answered by the document. For example, when President William Henry Harrison died in 1841, Vice President John Tyler was left unsure whether he should serve as an "acting" or "official" President of the United States. Although Vice President Tyler did ultimately take the oath of office as President, the decision to do so by no means met with unanimous approval. The controversy that ensued was, however, finally quieted when both Houses of Congress voted to recognize Tyler as the official President of the United States.[1]

The action taken by Vice President Tyler to succeed to the Presidency, rather than merely serve as "acting" President, established the precedent followed by six future Vice Presidents faced with similar circumstances. Millard Fillmore, Andrew Johnson, Chester Arthur, Theodore Roosevelt, Calvin Coolidge, Harry Truman, and Lyndon Johnson—each of whom became President of the United States through succession.

Another uncertainty arose with regard to presidential succession in cases when a President was unable to "discharge the Powers and Duties" of his office. Again, the Constitution provided no clear answer to the problem. In three instances in American history the President was considered unable to perform his duties. In all three cases, largely because of uncertainty over correct procedure, the Vice President did not assume the incapacitated President's responsibilities.

The first occasion arose in 1881 when President James Garfield fell victim to an assassin's bullet. President Garfield lingered for nearly 80 days, during which he was able to perform only one official act—the signing of an extradition paper. Then in 1919, President Woodrow Wilson suffered a severe stroke, leaving him largely disabled at a time when the United States' position in the League of Nations was indefinite. Other major matters of foreign policy, such as the Shantung Settlement, were left unresolved. In addition, the British Ambassador spent 4 months in Washington without being received by President Wilson, and 28 acts of Congress became law without his signature.[2] Finally, at least three times during his Administration, President Dwight D. Eisenhower was considered unable to perform as President adequately because of poor health. President Eisenhower himself expressed concern over the ambiguity in the "succession clause" of Article II. Nevertheless, he chose to solve the problem by means of an informal working agreement with Vice President Richard Nixon, rather than an amendment to the Constitution.[3]

In the Senate Joint Resolution that became the Twenty-fifth Amendment, S.J. Res. 1 (89th Cong.), the ambiguities in the "seccession clause" were summarized, particularly with regard to cases when the President is unable to perform the duties of his office:

> The historical review of the interpretation of article II, section 1, clause 5, suggests the difficulties which it has already presented. The language of the clause is unclear, its application uncertain. The clause couples the contingencies of a permanent nature such as death, resignation, or removal from office, with inability, a contingency which may be temporary. It does not clearly commit the determination of inability to any individual or group, nor does it define inability so that existence of such a status may be open and notorious. It leaves uncertain the capacity in which the Vice President acts during a period of inability of the President. It fails to define the period during which the Vice President serves. It does not specify that a

> recovered President may regain the perogatives of his office if he has relinquished them. It fails to provide any mechanism for determining whether a President has in fact recovered from his inability, nor does it indicate how a President, who sought to recover his perogatives while still disabled, might be prevented from doing so.[4]

The assassination of President John F. Kennedy and the succession of Vice President Johnson in 1963 reminded the Nation of yet another "gap" in the "succession clause"—the lack of a mechanism for choosing a Vice President when the previous Vice President succeeds to the presidency. Sixteen times the United States had been without a Vice President, totaling 37 years of our Nation's history. The Framers foresaw the need to have a qualified Vice President in office should the President die, but they neglected to establish a procedure whereby a vice presidential vacancy could in turn be filled.

LEGISLATIVE HISTORY

Soon after the death of President Kennedy, over two dozen resolutions were introduced to amend Article II, Section 1, Clause 5 of the Constitution. Among these was S.J. Res. 139 (88th Cong.), introduced by Senator Birch E. Bayh of Indiana. On September 29, 1964, the Senate unanimously passed Bayh's resolution 65 to 0, 35 not voting; however, the House failed to take action on it.

In the 89th Congress, Seantor Bayh introduced a resolution, S.J. Res. 1, similar to the one introduced in the previous Congress. An identical proposal, H.J. Res. 1, was introduced in the House of Representatives. Recognized as a nonpartisan resolution, the debate in Congress centered primarily on the means by which the ambiguities in the Constitution could best be clarified. Three ideas dominated the debate: many felt the Constitution could be clarified with statutory legislation; others argued that a broad amendment to the Constitution was needed to provide the basis for statutory legislation; finally, Senator Bayh led a group of Senators advocating a specifically worded constitutional amendment.

As introduced, the House and Senate resolutions were designed to make it clear that when the Office of President becomes vacant, because of death, resignation, or removal from office, the Vice President does become the "official" President. In addition, the resolutions provided a means of filling a vacancy in the Office of Vice President and clarified that the Vice President would act as President when the latter was unable to fulfill his duties. They also outlined a mechanism for determining when the President was incapable of acting in his office.

Sections 1 and 2 of the proposed amendment were eventually ratified in the same language as they were introduced. Sections 3 and 4, dealing with presidential disability, including the mechanisms for declaring the President unable to act and for the assumption of the role of President by the Vice President, were modified by the Senate and House Judiciary Committees, on the floor of both Houses, and by the Conference.

The third section, as initially introduced, read:

> If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as acting President.

Both the Senate and House Judiciary Committees recommended that the section specify who should be notified of the President's written declaration. The House proposal was the one eventually adopted. In addition, the House Judiciary Committee suggested adding a phrase stating that in cases when the President voluntarily relinquished his authority in writing, he could also resume his authority by a similar written notice, without the concurrence of another person. In conference, the words, "to them," referring to the Speaker of the House and President pro-tempore of the Senate, were added to clarify that presidential notices of relinquishment and resumption of authority were both to be given to these officers of the House and Senate.

Section 4 of the Twenty-fourth Amendment resulted from a combination of Sections 4 and 5 of the resolutions. As introduced, these sections read:

> SECTION 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.
>
> SECTION 5. Whenever the President transmits to Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress will immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to continue to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office.[5]

The Senate Judiciary Committee offered an amendment to Sections 4 and 5 that was similar to the House recommendations on Section 3, requiring that the "written declarations" in both sections be transmitted to the Speaker and the President pro-tempore.[6] In addition, Senator Roman L. Hruska of Nebraska offered an amendment allowing 7 days, rather than 2, for the Vice President and a majority of the Cabinet to take issue with a presidential claim of regained ability to act in his office.[7] Both these amendments were accepted by the Senate, while a number of other amendments were rejected. The amendments rejected included giving Congress power to estabish by law a determination of presidential disability and, if necessary, a determination of other circumstances of vacancy or disability. Another amendment would have required the Electoral College to convene for purposes of selecting a Vice President in case of a vacancy in that office. On February 19, 1965, S.J. Res. 1 passed the Senate, as amended, by a vote of 60 to 12, 28 not voting.[8]

Like its counterpart in the Senate, the House Judiciary Committee recommended that, in every instance involving a "written declaration" in Sections 3, 4, and 5 of the H.J. Res. 1, the notice be transmitted to the Speaker and President pro-tempore of the Senate. Second, the committee proposed to combine Sections 4 and 5 in order to emphasize that challenges to a President's ability were not to extend to voluntary declarations by the President. The committee also recommended that if Congress is not in session when a dispute over presidential ability arises, it should immediately assemble to resolve the matter. Finally, it was proposed that a 10-day limit be established for congressional concurrence with the Vice President and cabinet majority in cases of dispute.[9]

During floor debate in the House, one more amendment was added to H.J. Res. 1. It modified an earlier Committee amendment by requiring that Congress assemble within 48 hours after notice has been given that the President's ability to perform was in question. Upon the conclusion of debate, the House easily passed the Resolution on April 13, 1965, 386 to 29, 36 not voting.[10]

Once the resolutions passed the House and the Senate, they were sent to a conference committee to resolve the differences in the two documents. In conference, two compromises were agreed upon. The first limited to 4 days the time allowed for challenges to a President's claim of regained ability to perform; the second allowed Congress 21 days to reach a decision in such cases. Other than these two compromises and some minor changes in phraseology, the conference generally accepted the House version of the proposal.[11] The conference report was then adopted by the House on June 30 and by the Senate on July 6, 1985.[12]

RATIFICATION HISTORY

On July 7, 1965, the proposed Twenty-fifth Amendment was sent to the States for ratification.[13] Within 2 years, nearly all 50 States had ratified the Amendment, easily surpassing the requisite number of 38 States. The ratification dates of the several States appear below:

Nebraska	Jul. 12, 1965	Virginia	Mar. 8, 1966
Wisconsin	Jul. 13, 1965	Mississippi	Mar. 10, 1966
Oklahoma	Jul. 16, 1965	New York	Mar. 14, 1966
Massachusetts	Aug. 9, 1965	Maryland	Mar. 23, 1966
Pennsylvania	Aug. 18, 1965	Missouri	Mar. 30, 1966
Kentucky	Sept. 15, 1965	New Hampshire	Jun. 13, 1966
Arizona	Sept. 22, 1965	Louisiana	Jul. 5, 1966
Michigan	Oct. 5, 1965	Tennessee	Jan. 12, 1967
Indiana	Oct. 20, 1965	Wyoming	Jan. 25, 1967
California	Oct. 21, 1965	Washington	Jan. 26, 1967
Arkansas	Nov. 4, 1965	Iowa	Jan. 26, 1967
New Jersey	Nov. 29, 1965	Oregon	Feb. 2, 1967
Delaware	Dec. 7, 1965	Minnesota	Feb. 10, 1967
Utah	Jan. 17, 1966	Nevada	Feb. 10, 1967
West Virginia	Jan. 20, 1966	Connecticut	Feb. 14, 1967
Maine	Jan. 24, 1966	Montana	Feb. 15, 1967
Rhode Island	Jan. 28, 1966	South Dakota	Mar. 6, 1967
Colorado	Feb. 3, 1966	Ohio	Mar. 7, 1967
New Mexico	Feb. 3, 1966	Alabama	Mar. 14, 1967
Kansas	Feb. 8, 1966	North Carolina	Mar. 22, 1967
Vermont	Feb. 10, 1966	Illinois	Mar. 22, 1967
Alaska	Feb. 18, 1966	Texas	Apr. 25, 1967
Idaho	Mar. 2, 1966	Florida	May 25, 1967
Hawaii	Mar. 3, 1967		

On February 23, 1967, the Administrator of General Services, Lawson B. Knott, Jr., declared, by Certificate of Adoption, that the Twenty-fifth Amendment was part of the Constitution.

The Twenty-fifth Amendment appears officially as 32 Fed. Reg. 3287.

Footnotes to Amendment XXV

1. *Congressional Globe*, 27th Congress, 1st Session, 1841, 10: 3-5.
2. Lindsay Rogers, "Presidential Inability, the Review", cited in Senate Report No 208, 89th Congress, 1st Session, 1965.
3. Senate Report No 208, 89th Congress 1st Session, 1965.
4. Ibid.
5. House Report No. 203, 89th Congress, 1st Session, 1965.
6. Senate Report No. 66, 89th Congress, 1st Session, 1965.
7. *Congressional Record*, 89th Congress, 1st Session, 1965, 111: 3250-3252, 3274, 3276.
8. Ibid., 3286.
9. House Report No. 203, 89th Congress, 1st Session, 1965.
10. *Congressional Record*, 89th Congress, 1st Session, 1965. 111, Pt. 6: 7959, 7967-7969.
11. House Report No. 564, 89th Congress, 1965.
12. *Congressional Record*, 89th Congress, 1st Session, 1965. 111, Pt. 12:
13. Ibid., 15780.

AMENDMENT XXVI

TEXT OF AMENDMENT

SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

BACKGROUND

The Twenty-sixth Amendment, extending the right to vote to all citizens 18 years of age or older, was the culminating product of some 30 years of legislative attempts to give 18-year-olds this right. The first such attempt came in 1942, when Senator Jennings Randolph of West Virginia first introduced a resolution granting suffrage to 18-year-olds.[1] Since that time, more than 150 similar proposals had been introduced, at least one in each successive Congress. Of these resolutions, only one, S.J. Res. 53 (83rd Cong.) was reported out of committee and debated on the Senate floor. The measure failed when it received a majority vote of 34 to 24, five votes short of the necessary two-thirds majority.[2]

In the 91st Congress, Senator Randolph once again introduced a resolution, S.J. Res. 7, extending voting rights to 18-year-olds. Hearings were held on the measure before the Senate Subcommittee on Constitutional Amendments on February 16 and 17, and again on March 9 and 10, 1970.[3] Following the hearings, Senator Ted Kennedy of Massachusetts suggested that Congress might have the constitutional power to lower the voting age by statute, thus eliminating the need to amend the Constitution. Senator Michael J. Mansfield of Montana, joined by Senator Warren G. Magnuson of Washington and Senator Kennedy, introduced such a provision as an amendment to the Voting Rights Act of 1970 (H.R. 4249), then being debated in the Senate.

After 3 days of debate, the Senate adopted the Mansfield Amendment on March 12, 1970 by a vote of 64 to 17. The Amendment added Title III to the Voting Rights Act, giving 18-year-olds the right to vote in all elections—Federal and local, general and primary. The bill passed the Senate the following day, March 13, and was returned to the House. On June 17, the House concurred in the Senate amendments and on June 22, the Voting Rights Act of 1970 became Public Law 91-285 when it was signed by President Richard Nixon.[4]

Shortly after its passage, the Justice Department, several of the States, and other interested parties sought to test the constitutionality of the Voting Rights Act. On December 19, 1970, in the case of *Oregon* v. *Mitchell*, the Supreme Court heard oral argument concerning the constitutionality of the 18-year-old vote. Two days later, the Court handed down a split decision. In a 5 to 4 vote, the

Justices ruled that the Voting Rights Act could apply in Federal elections, but declared that the provisons of the Act granting 18-year-olds the right to vote in State and local elections violated States' rights and were, therefore, unconstitutional.[5]

Since only three states—Georgia, Kentucky and Alaska--had passed 18-year-old voting laws, the Supreme Court's decision created a dual voting age system in the remaining 47 States. Many argued that the dual voting age would actually curtail the number of people who would vote, rather than increase the number as the Voting Rights act had intended. It was felt that voting would not only become confusing and increasingly fraudulent, it would also be costly, since it would require $10 to $20 million to establish dual voting age machinery throughout the United States.[6]

LEGISLATIVE HISTORY

As soon as the 92nd Congress convened in 1971, Senator Randolph, on January 25, reintroduced S.J. Res. 7. The Resolution, which would overturn the Supreme Court's decision in *Oregon* v. *Mitchell*, as it applied to State and local elections, gathered 86 cosponsors and was referred to the Senate Committee on the Judiciary. On March 4, the measure was reported favorably by the Judiciary Committee with only perfecting amendments.[7] Senate consideration on the measure began 5 days later, on March 9. During the floor debate, the Senate adopted the perfecting amendments, while defeating another proposal intended to grant representation to the District of Columbia in the Senate and House of Representatives.[8] On March 10, the Resolution unanimously passed the Senate, 94 to 0, six not voting.[9]

In the House, H.J. Res. 223, a resolution similar to S.J. Res. 7, was also introduced[10] and, on March 16, was reported favorably by the House Judiciary Committee.[11] However, on March 23, the House voted to adopt S.J. Res. 7, in lieu of their own resolution, 401 to 19, 12 not voting.[12]

RATIFICATION HISTORY

On the same day as its passage in the House, the proposed Twenty-sixth Amendment to the Constitution was sent to the 50 States for ratification.[13] Also on March 23, Connecticut became the first State to ratify the Amendment; and within 4 months, the necessary 38 State ratifications were completed. The ratification dates of each State appear below:

Connecticut	Mar. 23, 1971	Kansas	Apr. 7, 1971
Delaware	Mar. 23, 1971	Michigan	Apr. 7, 1971
Minnesota	Mar. 23, 1971	Alaska	Apr. 8, 1971
Tennessee	Mar. 23, 1971	Maryland	Apr. 8, 1971
Washington	Mar. 23, 1971	Indiana	Apr. 8, 1971
Hawaii	Mar. 24, 1971	Maine	Apr. 9, 1971
Massachusetts	Mar. 24, 1971	Vermont	Apr. 16, 1971
Montana	Mar. 29, 1971	Louisiana	Apr. 17, 1971
Arkansas	Mar. 30, 1971	California	Apr. 19, 1971
Idaho	Mar. 30, 1971	Colorado	Apr. 27, 1971
Iowa	Mar. 30, 1971	Pennsylvania	Apr. 27, 1971
Nebraska	Apr. 2, 1971	Texas	Apr. 27, 1971
New Jersey	Apr. 3, 1971	South Carolina	Apr. 28, 1971

West Virginia	Apr. 28, 1971	Missouri	Jun. 14, 1971
New Hampshire	May 13, 1971	Wisconsin	Jun. 22, 1971
Arizona	May. 14, 1971	Illinois	Jun. 29, 1971
Rhode Island	May. 27, 1971	Alabama	Jun. 30, 1971
New York	Jun. 2, 1971	Ohio	Jun. 30, 1971
Oregon	Jun. 4, 1971	North Carolina	Jul. 1, 1971

Ratification of the Twenty-sixth Amendment was completed on July 1, 1971 when action was concluded by the 38th State, North Carolina. On July 5, Robert L. Kunzig, Administrator of General Services, officially certified the adoption of the Amendment as part of the Constitution. The Amendment was subsequently ratified by Oklahoma, on July 1, 1971; Virginia on July 8, 1971; Wyoming on July 8, 1971; and Georgia on October 4, 1971.[14] No action was completed on the Amendment by the remaining States.

The Twenty-sixth Amendment appears officially as 36 Fed. Reg. 12725.

Footnotes to Amendment XXVI

1. *Congressional Record*. 77th Congress, 2nd Session, 1942, 88, Pt. 6: 8507.
2. Ibid., 83rd Congress, 2nd Session, 1954, 100 Pt. 5: 6911, 6956, 6963, 6969.
3. "Lowering the Voting Age to Eighteen", hearings before the Committee on the Judiciary, Senate, 91st Congress, 2nd Session, 1970.
4. Senate Report No. 92-26, 92nd Congress, 1st Session, 1970.
5. *Congressional Record*. 92nd Congress, 1st Session, 1971, 117, Pt. 1: 271, 928, 3052 (Pt. 3).
6. Ibid., 5495-97.
7. Senate Report No. 92-26, 92nd Congress, 1st Session, 1970.
8. *Congressional Record*, 92nd Congress, 1st Session, 1971, 117, Pt. 5: 5488-5517, 5519-5520, 5577-5578.
9. Ibid., 5802-5811, 5814-5830.
10. House Report No. 92-37, 92nd Congress, 1st Session, 1970.
11. *Congressional Record*. 92nd Congress, 1st Session, 1970, 111: 6847-6848.
12. Ibid., 7532-7570.
13. Ibid., 7505.
14. *Virginia Commission on Constitutional Government, the Constitution of the United States* (Richmond, 1965), 39.

APPENDIX A—ARTICLE V OF THE CONSTITUTION

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

APPENDIX B—SUPREME COURT DECISIONS RELATING TO ARTICLE V

Hollingsworth v. *Virginia*, 3 U.S. 378 (1798)

The Court held that an amendment to the Constitution need not be presented to the President for his approval.

Hawke v. *Smith* 253 U.S. 321 (1920)

The Court held that approval within a State of a proposed amendment by a popular referendum did not satisfy the Article V requirement of ratification by the "legislatures". Rather, the term means the deliberative, representative bodies that make the laws for the people of the respective States. The ratification function, as with the function of Congress in proposing such amendments, is a federal function.

National Prohibition Cases, 253 U.S. 350 (1920)

The Court held that an amendment to the Constitution proposed by the Congress must be supported by two-thirds of a quorum in each House, not two-thirds of the total membership. In addition, the Court held that Article V did not impose substantive limitations upon the subject-matter of constitutional amendments apart from those explicitly set forth.

Dillon v. *Gloss*, 256 U.S. 368 (1921)

The Court held that it is implied under Article V that proposed amendments be ratified within a "reasonable" time after proposal. Congress has the authority to set forth what constitutes such "reasonable" time.

Leser v. *Garnett*, 258 U.S. 716 (1922)

The function of a State legislature in ratifying a proposed amendment to the Federal Constitution like the function of Congress in proposing the amendment, is a Federal function.

United States v. *Sprague*, 282 U.S. 716 (1931)

The Court held that no substantive exceptions to the constitutonal amendment power were to be read into Article V by implication.

Coleman v. *Miller*, 307 U.S. 433 (1939)

The Court in a plurality opinion held that the efficacy of an amendment's ratifiction following a previous rejection by that same State is a "political question" for the determination of the Congress.

APPENDIX C—CONSTITUTIONAL AMENDMENTS INTRODUCED BY TIME PERIOD

Period	*Number of Amendments*
1. 1789-1800	341
2. 1801-1810	60
3. 1811-1820	99
4. 1821-1830	104
5. 1831-1840	102
6. 1841-1850	58
7. 1851-1860	87
8. 1861-1870	478
9. 1871-1880	186
10. 1881-1890	267
11. 1891-1900	273
12. 1901-1910	269
13. 1911-1920	462
14. 1921-1930	405
15. 1931-1940	622
16. 1941-1950	371
17. 1951-1960	809
18. 1961-1970	2,715
19. 1971-1980	1,894
20. 1981-1984	382
Totals	9,984

Sources: "Proposed Amendments to the Constitution, 1789 to 1889," *Annual Report of the American Historical Association*, House Document, No. 353, pt. 2, 54th Congress, 2nd Session, 1897.

Proposed Amendments to the Constitution of the United States, 1889-1926, Senate Documents, No. 93, 69th Congress, 1st Session, 1926.

Proposed Amendments to the Constitution of the United States of America, 1926-1963, Senate Documents, No. 163, 87th Congress, 2nd Session, 1963.

Proposed Amendments to the Constitution of the United States of America, 1963-1969, Senate Documents, No. 91-38, 91st Congress, 1st Session, 1969.

Proposed Amendments to the Constitution of the United States of America, 1969-1984, Congressional Research Service, Library of Congress, Report No. 85-36 GOV.

APPENDIX D—PROPOSED CONSTITUTIONAL AMENDMENTS NOT RATIFIED

Proposed Amendments to the Constitution Not Ratified by the States

During the course of our history, in addition to the 26 amendments which have been ratified by the required three-fourths of the States, 6 other amendments have been submitted to the States but have not been ratified by them.

Beginning with the proposed 18th amendment, Congress has customarily included a provision requiring ratification within 7 years from the time of the submission to the States. The Supreme Court in *Coleman* v. *Miller*, 307 U.S. 433 (1939), declared that the question of the reasonableness of the time within which a sufficient number of States must act is a political question to be determined by the Congress.

In 1789, 12 proposed articles of amendment were submitted to the States. Of these, articles III–XII were ratified and became the first 10 amendments to the Constitution, popularly known as the Bill of Rights. Proposed articles I and II were not ratified. The following is the text of those articles:

Article I. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article II. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Thereafter, in the 2d session of the 11th Congress, the Congress proposed the following article of amendment to the Constitution relating to acceptance by citizens of the United States of titles of nobility from any foreign government.

The proposed amendment was not ratified by three-fourths of the States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following section be submitted to the legislatures of the several states, which, when ratified by the legislatures of three fourths of the states, shall be valid and binding, as a part of the constitution of the United States.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

During the second session of the 36th Congress on March 2, 1861, the following proposed amendment to the Constitution relating to slavery was signed by the President. It is interesting to note in this connection that this is the only proposed amendment to the Constitution ever signed by the President. The President's signature is considered unnecessary because of the constitutional provision that upon the concurrence of two-thirds of both Houses of Congress the proposal shall be submitted to the States and shall be ratified by three-fourths of the States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz:

"ARTICLE THIRTEEN

"No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

The proposed child-labor amendment, which was submitted to the States during the 1st session of the 68th Congress in June 1924, has been ratified by 28 States, to date. The proposed amendment is as follows:

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

ARTICLE—

SECTION 1. The Congress shall have the power to limit, regulate, and prohibit the labor of persons under 18 years of age.

SECTION 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

The proposed amendment relative to equal rights for men and women, was proposed by the Ninety-second Congress. It passed the House on October 12, 1971 and the Senate on March 22, 1972. As of the date of the publication of this pamphlet, it has not been ratified by three-fourths of the States. The proposed amendment is as follows:

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE—

SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SEC. 3. This amendment shall take effect two years after the date of ratification.

On August 22, 1978, the Congress proposed to amend the Constitution to grant representation in Congress for the District of Columbia and to repeal the 23rd amendment by granting the District as many electoral votes as its population entitled it. The proposed amendment expired on August 22, 1985 following the ratification of only 16 states, well short of the three-quarters requirement. The proposed amendment is as follows:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislature of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE—

SECTION 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

SEC. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

SEC. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

SEC. 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

APPENDIX E—CONGRESSIONAL VOTES ON AMENDMENTS

Senate Vote—11th Amendment: Yeas, 23; Nays 2

DATE: MARCH 4, 1794

Yeas.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen, Hawkins, Jackson, Izard, King, Langdon, Livermore, Martin, Mitchell, Monroe, Robinson, Strong, Taylor, and Vining.
Nays.—Messrs. Gallatin and Rutherfurd.

Source: *Annals of the Congress of the United States*, Third Congress, Senate, January, 1794, pp. 30–31.

House of Representatives Vote—11th Amendment: Yeas, 81; Nays 9

DATE: MARCH 4, 1794

Yeas.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, Carter B. Harrison, John Heath, Daniel Heister, James Hillhouse, Samuel Holten, John Hunter, William Irvine, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Francis Preston, Robert Rutherford, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Peleg Wadsworth, Francis Walker, John Watts, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.
Nays.—John Beatty, Elias Boudinot, Thomas Fitzsimons, George Hancock, William Hindman, Andrew Pickens, Thomas Scott, Silas Talbot, and Artemas Ward.

Source: *Annals of the Congress of the United States*, Third Congress, House of Representatives, March, 1794, p. 478.

Senate Vote—12th Amendment: Yeas, 22; Nays 10

DATE: DECEMBER 3, 1803

Yeas—Messrs. Anderson, Bailey, Baldwin, Bradley, Breckenridge, Brown, Cocke, Condit, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, Israel Smith, John Smith, Samuel Smith, Stone, Taylor, Worthington, and Wright—22.
Nays—Messrs. Adams, Butler, Dayton, Hillhouse, Olcott, Pickering, Plumer, Tracy, Wells, and White: 10.

Source: *Annals of the Congress of the United States*, Eighth Congress, December, 1803, p. 209.

House of Representatives Vote—12th Amendment: Yeas 83; Nays 42

DATE: DECEMBER 9, 1803

Yeas—Nathaniel Macon, (Speaker,) Willis Alston, jun., Nathaniel Alexander, Isaac Anderson, John Archer, David Bard, George Michael Bedinger, William Blackledge, John Boyle, Robert Brown, Joseph Bryan, William Butler, George W. Campbell, Levi Casey, Thomas Claiborne, Joseph Clay, John Clopton, Frederick Conord, Jacob Crowninshield, Richard Cutts, Jno. Dawson, William Dickson, John B. Earle, Peter Early, John W. Eppes, William Findley, John Fowler, Jas. Gillespie, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Samuel Hammond, John A. Hanna, Josiah Hasbrouck, Daniel Heister, Joseph Heister, James Holland, David Holmes, John G. Jackson, Walter Jones, William Kennedy, Nehemiah Knight, Michael Leib, John B. C. Lucas, Matthew Lyon, Andrew McCord, William McCreery, David Meriwether, Samuel L. Mitchill, Nicholas R. Moore, Thomas Moore, Jeremiah Moorow, Anthony New, Thomas Newton, jun., Gideon Olin, Beriah Palmer, John Patterson, John Randolph, jun., Thomas M. Randolph, John Rea of Pennsylvania, John Rea of Tennessee, Jacob Richards, Caesar A. Rodney, Erastus Root, Thomas Sammons, Thomas Sandford, Tompson J. Skinner, John Smilie, John Smith of New York, Richard Stanford, Joseph Stanton, John Stewart, David Thomas, Philip R. Thompson, Abram Trigg, John Trigg, Isaac Van Horne, Daniel C. Verplanck, Matthew Walton, John Whitehill, Marmaduke Williams, Richard Winn, Joseph Winston, and Thomas Wynns.

NAYS—Simeon Baldwin, Silas Betton, Phan. Bishop, John Campbell, William Chamberlin, Martin Chittenden, Clifton Claggett, Matthew Clay, Manasseh Cutler, Samuel W. Dana, John Davenport, John Dennis, Thomas Dwight, James Elliot, William Eustis, Calvin Goddard, Gaylord Griswold, Roger Griswold, Seth Hastings, William Hoge, David Hough, Benjamin Huger, Samuel Hunt, Joseph Lewis, jun., Thos. Lewis, Henry W. Livingston, Thomas Lowndes, Nahum Mitchell, Thomas Plater, Samuel D. Purviance, Ebenezer Seaver, John Cotton Smith, William Stedman, James Stephenson, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Samuel Thatcher, George Tibbits, Joseph b. Varnum, Peleg Wadsworth, and Lemuel Williams.

Source: *Annuals of the Congress of the United States*, Eighth Congress, December, 1803, p. 776.

SENATE VOTE—13TH AMENDMENT: YEAS 38; NAYS 6

DATE: APRIL 8, 1864

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, Willey, and Wilson—38.

NAYS—Messrs. Davis, Hendricks, McDougall, Powell, Riddle, and Saulsbury—6.

Source: *The Congressional Globe*, April, 1864, p. 1490.

HOUSE OF REPRESENTATIVES VOTE—13TH AMENDMENT: YEAS 119; NAYS 56; NOT VOTING 8

DATE: JANUARY 31, 1865

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Coffroth, Cole, Colfax, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, English, Farnsworth, Frank, Ganson, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Ingersoll, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, King, Knox, Littlejohn, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Shannon, Sloan, Smith, Smithers, Spalding, Starr, John B. Steele, Stevens, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elibu B. Washburne, William B. Washburn, Webster, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Woodbridge, Worthington, and Yeaman—119.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Bliss, Brooks, James S. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Edgerton, Eldridge, Finck, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Philip Johnson, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Long, Mallory, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Perry, Pruyn, Samuel J. Randall, Robinson, Ross, Scott, William G. Steele, Stiles, Strouse, Stuart, Sweat, Townsend, Wadsworth, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood—56.

NOT VOTING—Messrs. Lazear, Le Blond, Marcy, McDowell, McKinney, Middleton, Rogers, and Voorhees—8

Source: *The Congressional Globe*, January, 1865, p. 531.

SENATE VOTE—14TH AMENDMENT: YEAS 33; NAYS 11; NOT VOTING 5

DATE: JUNE 8, 1866

YEAS—Messrs. Anthony, Chandler, Clark, Conness, Cragin, Creswell, Edmunds, Fessenden, Foster, Grimes, Harris, Henderson, Howard, Howe, Kirkwood, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nye, Poland, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Trumbull, Wade, Willey, Williams, Wilson, and Yates—33

NAYS—Messrs. Cowan, Davis, Doolittle, Guthrie, Hendricks, Johnson, McDougall, Norton, Riddle, Saulsbury, and Van Winkle—11.

ABSENT—Messrs. Brown, Buckalew, Dixon, Nesmith, and Wright—5.

Source: *The Congressional Globe*, June, 1866, p. 3042.

HOUSE OF REPRESENTATIVES VOTE—14TH AMENDMENT: YEAS 120; NAYS 32; NOT VOTING 32

DATE: JUNE 13, 1866

YEAS—Messrs. Alley, Allison, Ames, Delos R. Ashley, James M. Ashley, Baker, Baldwin, Banks, Barker, Baxter, Beaman, Bidwell, Bingham, Blaine, Boutwell, Bromwell, Buckland, Bundy, Reader W. Clarke, Sidney Clark, Cobb, Conkling, Cook, Cullom, Darling, Davis, Dawes, Defrees, Delano, Dodge, Donnelly, Driggs, Dumont, Eckley, Eggleston, Eliot, Farnsworth, Farquhar, Ferry, Garfield, Grinnell, Griswold, Hale, Abner C. Harding, Hart, Hayes, Henderson, Higby, Holmes, Hooper, Hotchkiss, Asabel W. Hubbard, Chester D. Hubbard, John H. Hubbard, James R. Hubbell, Jenckes, Julian, Kelley, Kelso, Ketcham, Kuykendall, Laflin, Latham, George V. Lawrence, Loan, Longyear, Lynch, Marvin, McClurg, McKee, McRuer, Mercur, Miller, Moorhead, Morrill, Morris, Moulton, Myers, Newell, O'Neill, Orth, Paine, Perham, Phelps, Pike, Plants, Pomeroy, Price, William H. Randall, Raymond, Alexander H. Rice, John H. Rice, Sawyer, Schenck, Scofield, Shellabarger, Sloan, Smith, Spalding, Stevens, Stilwell, Thayer, Francis Thomas, John L. Thomas, Trowbridge, Upson, Van Aernam, Robert T. Van Horn, Ward, Warner, Henry D. Washburn, William B. Washburn, Welker, Wentworth, Whaley, Williams, James F. Wilson, Stephen F. Wilson, Windom, and the Speaker—120.

NAYS—Messrs. Ancona, Bergen, Boyer, Chanler, Coffroth, Dawson, Denison, Eldridge, Finck, Glossbrenner, Grider, Aaron Harding, Hogan, Edwin N. Hubbell, James M. Humphrey, Kerr, Le Blond, Marshall, Niblack, Nicholson, Samuel J. Randall, Ritter, Rogers, Ross, Sitgreaves, Strouse, Taber, Taylor, Thornton, Trimble, Winfield, and Wright—32.

NOT VOTING—Messrs. Anderson, Benjamin, Blow, Brandegee, Broomall, Culver, Deming, Dixon, Goodyear, Harris, Hill, Demas Hubbard, Hulburd, James Humphrey, Ingersoll, Johnson, Jones, Kasson, William Lawrence, Marston, McCullough, McIndoe, Noell, Patterson, Radford, Rollins, Rousseau, Shanklin, Starr, Burt Van Horn, Elihu B. Washburne, and Woodbridge—32.

Source: *The Congressional Globe*, June 13, 1866, p. 3149.

SENATE VOTE—15TH AMENDMENT: YEAS 39; NAYS 13; NOT VOTING 14

DATE: FEBRUARY 26, 1869

YEAS—Messrs. Anthony, Cattell, Chandler, Cole, Conkling, Conness, Cragin, Drake, Ferry, Fessenden, Frelinghuysen, Harlan, Harris, Howard, Howe, Kellogg, McDonald, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Osborn, Patterson of New Hampshire, Ramsey, Rice, Robertson, Sheriman, Stewart, Thayer, Tipton, Trumbull, Van Winkle, Wade, Warner, Welch, Willey, Williams, and Wilson—39.

NAYS—Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fowler, Hendricks, McCreery, Norton, Patterson of Tennessee, Pool, Vickers, and Whyte—13.

NOT VOTING—Messrs. Abbott, Cameron, Corbett Edmunds, Grimes, Henderson, Pomeroy, Ross, Saulsbury, Sawyer, Spencer, Sprague, Sumner, and Yates—14.

Source: *The Congressional Globe*, February 26, 1869, p. 1641.

HOUSE OF REPRESENTATIVES VOTE—15TH AMENDMENT: YEAS 144; NAYS 44; NOT VOTING 35

DATE: FEBRUARY 25, 1869

YEAS—Messrs. Allison, Ames, Anderson, Arnell, Delos R. Ashley, James M. Ashley, Bailey, Baker, Banks, Boaman, Beatty, Benjamin, Benton, Bingham, Blaine, Blair, Boutwell, Bowen, Boyden, Bromwell, Broomall, Buckley, Benjamin F. Butler, Roderick R. Butler, Callis, Churchill, Reader W. Clarke, Sidney Clarke, Clift, Cobb, Coburn, Cook, Corley, Cornell, Covode, Cullom, Dawes, Dickey, Dodge, Donnelly, Driggs, Eckley, Eggleston, Ela Thomas D. Eloit, James T. Elliott, Farnsworth, Ferriss, Ferry, Fields, French, Garfield, Goss, Gove, Gravely, Griswold, Hamilton, Harding, Haughey, Heaton, Higby, Hill, Hooper, Hopkins, Chester D. Hubbard, Hulburd, Hunter, Ingersoll, Jenckes, Alexander H. Jones, Judd, Julian, Kelley, Kellogg, Kelsey, Ketcham, Kitchen, Koontz, Laflin, Lash, William Lawrence, Logan, Lynch, Marvin, Maynard, McCarthy, McKee, Mercur, Miller, Moore, Moorhead, Morrell, Mullins, Myers, Newsham, Norris, Nunn, O'Neill, Orth, Paine, Perham, Peters, Pettis, Pike, Plants, Poland, Pomeroy, Price, Prince, Raum, Robertson, Roots, Sawyer, Scofield, Shanks, Shellabarger, Smith, Spalding, Starkweather, Stevens, Stewart, Stokes, Stover, Taffe, Thomas, John Trimble, Trowbridge, Twichell, Upson, Van Aernam, Burt Van Horn, Robert T. Van Horn, Ward, Cadwalader C. Washburn, Henry D. Washburn, William B. Washburn, Welker, Whittemore, Thomas Williams, Williams, William Williams, James F. Wilson, John T. Wilson, Windom, and the Speaker—144.

NAYS—Messrs. Archer, Axtell, Barnes, Becks, Boyer, Brooks, Burr, Cary, Chanler, Eldridge, Fox, Getz, Glossbrenner, Golladay, Grover, Haight, Hawkins, Holman, Hotchkiss, Richard D. Hubbard, Humphrey, Johnson, Thomas L. Jones, Kerr, Knott, Loughridge, Mallory, Marshall, McCormick, McCullough, Mungen, Niblack, Nicholson, Phelps, Pruyn, Robinson, Ross, Stone, Taber, Van Auken, Van Trump, Wood, Woodward, and Young—44.

NOT VOTING—Messrs, Adams, Baldwin, Barnum, Blackburn, Boles, Buckland, Cake, Delano, Dewcese, Dixon, Dockery, Edwards, Halsey, Asabel W. Hubbard, George V. Lawrence, Lincoln, Loan, Morrissey, Newcomb, Pierce, Pile, Poisley, Randall, Schenck, Selye, Sitgreaves, Sypher, Taylor, Tift, Lawrence S. Trimble, Van Wyck, Vidal, Elibu B. Washburne, Stephen F. Wilson, and Woodbridge—35.

Source: *The Congressional Globe*, February 25, 1869, p. 1564.

SENATE VOTE—16 AMENDMENT: YEAS 77; NAYS 0, NOT VOTING 15

DATE: JULY 5, 1909

YEAS—77

Aldrich
Bacon
Bailey
Bankhead
Beveridge
Borah
Bourne
Bradley
Briggs
Bristow
Brown
Burkett
Burnham
Burrows
Burton
Carter
Chamberlain
Clapp
Clark, Wyo.
Crane
Crawford
Culberson
Cullom
Cummins
Curtis
Daniel
Davis
Depew
Dick
Dillingham
Dixon
du Pont
Fletcher
Flint
Foster
Frazier
Frye
Gallinger
Gamble
Gore
Guggenheim
Heyburn
Hughes
Johnson, N. Dak.
Johnston, Ala.

Jones
Kean
La Follette
McCumber
McEnery
McLaurin
Martin
Money
Nelson
Newlands
Nixon
Oliver
Overman
Owen
Page
Penrose
Perkins
Rayner
Root
Scott
Shively
Simmons
Smith, S. C.
Smoot
Stephenson
Stone
Sutherland
Taliaferro
Taylor
Warner
Warren
Wetmore

NOT VOTING—15

Brandegee
Bulkeley
Clarke, Ark.
Clay
Dolliver
Elkins
Hale
Lodge
Lorimer
Paynter
Piles
Richardson
Smith, Md.
Smith, Mich.
Tillman

Source: *Congressional Record*, July 5, 1909, p. 4121.

HOUSE OF REPRESENTATIVES VOTE—16 AMENDMENT: YEAS 318; NAYS 14; NOT VOTING 55; PRESENT 1

DATE: JULY 12, 1909

YEAS—318

Adair
Adamson
Aiken
Alexander, Mo.
Alexander, N. Y.
Ames
Ansberry
Anthony
Ashbrook
Austin
Barclay
Barnard
Barnhart
Bartholdt
Bartlett, Ga.
Bates
Beall, Tex.
Bell, Ga.
Bennet, N. Y.
Bennett, Ky.
Boehne
Booher
Borland
Boutell
Bowers
Bradley
Brantley
Broussard
Brownlow
Burgess
Burke, Pa.
Burke, S. Dak.
Burleigh
Burleson
Burnett
Butler
Byrd
Byrns
Campbell
Candler
Cantrill
Capron
Carlin
Carter
Cassidy
Chapman
Clark, Fla.
Clark, Mo.
Clayton
Cline
Cocks, N. Y.
Cole
Collier
Cook
Cooper, Pa.
Cooper, Wis.
Coudrey
Covington
Cowles
Cox, Ind.
Cox, Ohio
Cravens
Creager
Crow
Cullop
Currier
Davidson
Davis
Dawson
De Armond
Denby
Dent
Denver
Dickson, Miss.
Dickema
Dies
Dixon, Ind.
Dodds
Douglas
Draper
Driscoll, D. A.
Driscoll, M. E.
Durey
Dwight
Edwards, Ga.
Edwards, Ky.
Ellis
Elvins
Englebright
Esch
Estopinal
Ferris
Finley
Fish
Flood, Va.
Floyd, Ark.
Focht
Foelker
Foss
Foster, Ill.
Foster, Vt.
Foulkrod
Fuller
Gaines
Gallagher
Gardner, Mich.
Gardner, N. J.
Garner, Tex.
Garrett
Gill, Md.
Gill, Mo.
Gillespie
Gillett
Gilmore
Glass
Godwin
Goebel

Goldfogle
Good
Gordon
Graff
Graham, Ill.
Grant
Greene
Gregg
Griggs
Gronna
Guernsey
Hamer
Hamill
Hamilton
Hamlin
Hammond
Hanna
Hardwick
Hardy
Harrison
Haugen
Hawley
Hay
Hayes
Heflin
Helm
Henry, Tex.
Higgins
Hinshaw
Hobson
Hollingsworth
Houston
Howell, N. J.
Howland
Hubbard, Iowa
Hubbard, W. Va.
Hughes, Ga.
Hughes, N. J.
Hughes, W. Va.
Hull, Iowa
Hull, Tenn.
Humphrey, Wash.
Humphreys, Miss.
James
Jamieson
Johnson, Ky.
Johnson, Ohio
Jones
Joyce
Kahn
Keifer
Keliher
Kendall
Kennedy, Iowa
Kinkaid, Nebr.
Kinkead, N. J.
Kitchin
Knapp
Knowland
Kopp
Korbly
Kronmiller
Kustermann
Lamb
Langham
Langley
Lassiter
Latta
Law
Lawrence
Lee
Lenroot
Lever
Lindbergh
Livingston
Lloyd
Longworth
Loud
Loudenslager
Lowden
Lundin
McDermott
McHenry
McKinlay, Cal.
McKinney
McLachlin, Cal.
McLaughlin, Mich.
McMorran
Macon
Madison
Maguire, Nebr.
Mann
Martin, Colo.
Martin, S. Dak.
Maynard
Mays
Miller, Kans.
Miller, Minn.
Mondell
Moon, Pa.
Moon, Tenn.
Moore, Tex.
Morgan, Mo.
Morgan, Okla.
Morrison
Morse
Moss
Murdock
Murphy
Needham
Nelson
Nicholls
Norris
Nye
O'Connell
Oldfield
Olmsted
Padgett
Palmer, A. M.
Parker
Parsons
Payne
Perkins
Peters
Pickett
Plumley
Pou
Pratt
Pray
Prince
Pujo
Rainey
Randell, Tex.
Ransdell, La.
Rauch
Reeder
Reynolds
Richardson
Roberts
Robinson
Rodenberg
Rothermel
Rucker, Mo.
Sabath
Saunders
Scott
Shackleford
Sharp
Sheffield
Sheppard
Simmons
Sims
Sisson
Slayden
Slemp
Small
Smith, Cal.
Smith, Iowa
Smith, Mich.
Smith, Tex.
Snapp
Sparkman
Spight
Stafford
Stanley
Steenerson
Stephens, Tex.
Sterling
Stevens, Minn.
Sturgiss
Sulloway
Sulzer
Swasey
Tawney
Taylor, Ala.
Taylor, Colo.
Taylor, Ohio
Tener
Thistlewood
Thomas, Ky.
Thomas, N. C.
Thomas, Ohio
Tilson
Tirrell
Tou Velle
Townsend
Underwood
Volstead
Vreeland
Wallace
Wanger
Washburn
Watkins
Webb
Wickliffe
Wiley
Wilson, Ill.
Wood, N. J.
Woods, Iowa
Young, Mich.
The Speaker

NAYS—14

Allen
Barchfeld
Calderhead
Daizel
Fordney
Gardner, Mass.
Henry, Conn.
Hill
McCall
McCreary
Olcott
Southwick
Weeks
Wheeler

ANSWERED "PRESENT"—1

Bartlett, Nev.

NOT VOTING—55

Anderson
Andrus
Bingham
Calder
Cary
Conry
Craig
Crumpacker
Ellerbe
Fairchild
Fassett
Fitzgerald
Fornes
Fowler
Garner, Pa.
Goulden
Graham, Pa.
Griest
Heald
Hitchcock
Howard
Howell, Utah
Huff
Johnson, S. C.
Kennedy, Ohio
Lafean
Lindsay
Lovering
McGuire, Okla.
McKinley, Ill.
Madden
Malby
Millington
Moore, Pa.
Morehead
Mudd
Page
Palmer, H. W.
Patterson
Pearre
Poindexter
Reid
Rhinock
Riordan
Rucker, Colo.
Russell
Sherley
Sherwood
Sperry
Talbott
Weisse
Willett
Wilson, Pa.
Woodyard
Young, N. Y.

Source: *Congressional Record*, July 12, 1909, p. 4440.

SENATE VOTE—17TH AMENDMENT: YEAS 64; NAYS 24; NOT VOTING 3

DATE: JUNE 9, 1911

YEAS—64

Bailey
Borah
Bourne
Bradley
Briggs
Bristow
Brown
Bryan
Barton
Chamberlain
Chilton
Clapp
Clark, Wyo.
Clarke, Ark.
Crawford
Culberson
Cullem
Cummins
Curtis
Davis
Dixon
du Pont
Gamble
Gore
Gronna
Guggenheim
Hitchcock
Johnson, Me.
Jones
Kenyon
Kern
La Follette
Lea
McCumber
McLean
Martin, Va.
Martine, N.J.
Myers
Nelson
Newlands
Nixon
O'Gorman
Owen
Paynter
Perkins
Poindexter
Pomerene
Rayner
Reed
Shively
Simmens
Smith, Md.
Smith, Mich.
Smith, S.C.
Stephenson
Stone
Sutherland
Swanson
Taylor
Thorton
Townsend
Warren
Watson
Works

NAYS—24

Bacon
Bankhead
Brandegee

Burnham
Crane
Dillingham
Fletcher
Foster
Gallinger
Heyburn
Johnston, Ala.
Lippitt
Lodge
Lorimer
Oliver
Page
Penrose
Percy
Richardson
Root
Smoot
Terrell
Wetmore
Williams

NOT VOTING—3

Frye
Overman
Tillman

Source: *Congressional Record*, June 9, 1911, p. 1925.

HOUSE OF REPRESENTATIVES VOTE—17TH AMENDMENT: YEAS 296; NAYS 16; NOT VOTING 77

DATE: APRIL 13, 1911

YEAS—296

Adair
Adamson
Aikens, S.C.
Akin, N.Y.
Alexander
Allen
Anderson, Minn.
Anderson, Ohio
Ansberry
Ashbrook
Austin
Ayres
Barchfeld
Barnhart
Bartholdt
Bartlett
Bathrick
Beall, Tex.
Bell, Ga.
Berger
Blackmon
Booher
Borland
Bowman
Brantley
Brown
Buchanan
Bulkley
Burke, S. Dak.
Burke, Wis.
Burleson
Burnett
Butler
Byrnes, S.C.
Byrns, Tenn.
Calder
Callaway
Candler
Cantrill
Carlin
Carter
Cary
Catlin
Clark, Fla.
Claypool
Clayton
Cline
Collier
Connell
Cooper
Copley
Covington
Cox, Ind.
Cox, Ohio
Cargo
Cravens
Cullop
Dalzell
Daugherty
Davidson
Davis, Minn.
Davis, W. Va.
Dent
Denver
Dickinson
Dickson, Miss.
Dies
Difenderfer
Dixon, Ind.
Donohoe
Doremus
Doughton
Dupre
Dyer
Edwards
Esch
Faison
Farr
Ferris
Fitzgerald
Flood, Va.
Floyd, Ark.
Foss
Foster, Ill.
Foster, Vt.
Francis
French
Fuller
Garner
Garrett
Glass
Godwin, N.C.
Goeke
Good
Goodwin, Ark.
Gordon
Gould
Gray
Greene
Gregg, Pa.
Gregg, Tex.
Gudger
Guernsey
Hamill
Hamilton, Mich.
Hamlin
Hammond
Hanna
Hardwick
Hardy
Harrison, Miss.
Harrison, N.Y.
Hartman
Haugen
Hawley
Hay
Hayes
Helgesen
Helm
Henry, Conn.
Henry, Tex.
Hill
Holland
Houston
Howard
Howell
Howland
Hubbard
Hughes, Ga.
Hughes, N.J.
Hull
Humphrey, Wash.
Humphreys, Miss.
Jackson
Jacoway
James
Johnson, Ky.
Johnson, S.C.

Jones
Kahn
Kendall
Kennedy
Kent
Kindred
Kinkaid, Nebr.
Kinkead, N.J.
Kipp
Kitchin
Knowland
Konig
Konop
Kopp
Korbly
Lafean
Lafferty
La Follette
Lamb
Langham
Langley
Lee, Ga.
Lee, Pa.
Legare
Lenroot
Lever
Levy
Lewis
Lindbergh
Linthicum
Littlepage
Littleton
Lloyd
Lobeck
Loud
McCoy
McGillicuddy
McKinley
McKinney
McLaughlin
Macon
Madden
Madison
Maguire, Nebr.
Maher
Martin, Colo.
Martin, S. Dak.
Matthews
Mays
Miller
Mondell
Moon, Tenn.
Moore, Pa.
Moore, Tex.
Morgan
Morrison
Moss, Ind.
Mott
Murdock
Murray
Needham
Nelson
Norris
Nye
Oldfield
O'Shaunessy
Padgett
Page
Parran
Patten, N.Y.
Patton, Pa.
Pepper
Peters
Pickett
Porter
Post
Pou
Powers
Pray
Prince
Prouty
Pujo
Rainey
Raker
Randell, Tex.
Rauch
Rees
Reilly
Richardson
Roberts, Mass.
Roberts, Nev.
Robinson
Roddenbery
Ridenberg
Rothermel
Rubey
Rucker, Colo.
Rucker, Mo.
Russell
Sabath
Saunders
Scully
Shackleford
Sharp
Sheppard
Sherley
Sherwood
Sims
Sisson
Slayden
Sloan
Small
Smith, J.M.C.
Smith, Saml. W.
Smith, Tex.
Sparkman
Speer
Stanley
Stedman
Steenerson
Stephens, Cal.
Stephens, Miss.
Stephens, Tex.
Sterling
Stone
Sulzer
Sweet
Switzer
Talbott, Md.
Taylor, Ala.
Taylor, Ohio
Thayer
Thomas
Towner
Townsend
Tribble
Turnbull
Tuttle
Underhill
Underwood
Volstead
Warburton
Watkins
Wedemeyer
Whitacre
White
Wickliffe
Willis
Wilson, Ill.
Wilson, N.Y.
Wilson, Pa.
Witherspoon
Wood, N.J.
Woods, Iowa
Young, Kans.
Young, Mich.
Young, Tex.
The Speaker

NAYS—16

Cannon
Danforth
Dodds
Dwight
Fordney
Harris
Hinds
Lawrence
McCall
McDermott
McMorran
Malby
Mann
Sulloway
Utter
Wilder

NOT VOTING—77

Ames
Andrus
Anthony
Bates
Bingham
Bochne
Bradley
Broussard
Burgess

Burke, Pa.
Campbell
Conry
Crumpacker
Curley
Currier
Davenport
De Forest
Draper
Driscoll, D.A.
Driscoll, M.E.
Ellerbe
Estopinal
Evans
Fairchild
Fields
Finley
Focht
Fornes
Fowler
Gallagher
Gardner, Mass.
Gardner, N.J.

George
Gillett
Goldfogle
Graham
Griest
Hamilton, W. Va.
Heald
Helfin
Hensley
Higgins
Hobson
Hughs, W. Va.
Latta
Lindsay
Longworth
Loudenslager
McCreary
McGuire, Okla.
McHenry
McKenzie
Mitchell
Moon, Pa.
Morse

Olmsted
Palmer
Payne
Plumley
Ransdell, La.
Redfield
Riordan
Rouse
Sells
Simmons
Slemp
Smith, Cal.
Smith, N.Y.
Stack
Stevens, Minn.
Talcott, N.Y.
Taylor, Colo.
Thistlewood
Tilson
Vreeland
Webb
Weeks

Source: *Congressional Record*, April 11, 1911, pp. 242-243.

SENATE VOTE—18TH AMENDMENT: YEAS 47; NAYS 8.

DATE: DECEMBER 18, 1917

The VICE PRESIDENT. Those in favor of concurring in the amendments will rise. That is the only way the Chair can determine the question. [A pause.] Those opposed will rise. [A pause.] The vote is 47 ayes and 8 noes. The amendments are concurred in and the joint resolution is adopted.

Source: *Congressional Record*, December 18, 1917, p. 478.

HOUSE OF REPRESENTATIVES VOTE—18TH AMENDMENT: YEAS 282; NAYS 128; NOT VOTING 23

DATE: DECEMBER 17, 1917

YEAS—282

Adamson
Alexander
Almon
Anderson
Anthony
Ashbrook
Aswell
Austin
Ayres
Baer
Bankhead
Barkley
Barnhart
Beakes
Bell
Beshlin
Black
Bland
Booher
Borland
Bowers
Brand
Brodbeck
Browne

Browning
Brumbaugh
Burnett
Burroughs
Butler
Byrnes, S.C.
Byrns, Tenn.
Campbell, Kans.
Candler, Miss.
Cannon
Caraway
Carlin
Carter, Mass.
Carter, Okla.
Clark, Fla.
Claypool
Collier
Connally, Tex.
Connelly, Kans.
Cooper, Ohio
Cooper, W.Va.
Cooper, Wis.
Copley
Costello

Cox
Cramton
Crisp
Currie, Mich.
Dale, Vt.
Dallinger
Darrow
Decker
Dempsey
Denison
Denton
Dickinson
Dill
Dillon
Dixon
Doolittle
Doughton
Dowell
Drane
Dunn
Elliott
Ellsworth
Elston
Emerson

Esch
Evans
Fairfield
Farr
Ferris
Fess
Fields
Fisher
Flood
Focht
Fordney
Foss
Foster
Frear
French
Fuller, Ill.
Fuller, Mass.
Gandy
Garrett, Tenn.
Garrett, Tex.
Glass
Godwin, N.C.
Good
Goodall
Gould
Graham, Ill.
Green, Iowa
Gregg
Griest
Hadley
Hamilton, Mich.
Hamilton, N.Y.
Hamlin
Harrison, Miss.
Harrison, Va.
Hastings
Haugen
Hawley
Hayden
Helm
Helvering
Hensley
Hersey
Hicks
Hilliard
Holland
Hollingsworth
Hood
Houston
Howard
Hull, Tenn.
Humphreys
Hutchinson
Ireland
Jacoway
James
Johnson, Ky.
Johnson, S. Dak.
Johnson, Wash.
Jones, Tex.
Jones, Va.
Kearns
Keating
Kehoe
Kelley, Mich.
Kelly, Pa.
Kennedy, Iowa
Kettner
Kless, Pa.
Kincheloe
King
Kinkaid
Kitchin
Knutson
Kraus
Kreider
La Follette
Langley
Larsen
Lee, Ga.
Lenroot
Lever
Little
Littlepage
Lobeck
Lundeen
Lunn
McClintic
McCormick
McCulloch
McFadden
McKenzie
McKeown
McKinley
McLaughlin, Mich.
Mapes
Mays
Miller, Minn.
Mondell
Montague
Moon
Moores, Ind.
Morgan
Mott
Nelson
Nicholls, S.C.
Norton
Oldfield
Oliver, Ala.
Olney
Osborne
Overstreet
Padgett
Paige
Park
Parker, N.Y.
Peters
Platt
Polk
Powers
Pratt
Price
Purnell
Quin
Ragsdale
Rainey
Raker
Ramseyer
Randall
Rankin
Rayburn
Reavis
Reed
Robbins
Robinson
Remjue
Rose
Rowe
Rowland
Rubey
Rucker
Russell
Sanders, Ind.
Sanders, La.
Sanders, N.Y.
Saunders, Va.
Schall
Scott, Iowa
Scott, Mich.
Sears
Sells
Shackleford
Shallenberger
Shouse
Sims
Sinnott
Sisson
Slemp
Sloan
Smith, Idaho
Smith, Mich.
Snell
Snook
Steagall
Stedman
Steenerson
Stephens, Miss.
Sterling, Ill.
Sterling, Pa.
Stevenson
Stiness
Strong
Sutnners
Sweet
Switzer
Taylor, Ark.
Temple
Thomas
Thompson
Tillman
Timberlake
Towner
Treadway
Venable
Vestal
Vinson
Volstead
Walker
Walton
Wason
Watkins
Watson, Va.
Weaver
Webb
Welling
Whaley
Wheeler
White, Me.
White, Ohio
Williams
Wilson, Ill.

Wilson, La.
Wingo
Wise
Wood, Ind.
Woods, Iowa
Woodyard
Young, N. Dak.
Young, Tex.
Zihlman

NAYS—128

Bacharach
Blackmon
Britten
Bruckner
Buchanan
Caldwell
Campbell, Pa.
Cantrill
Carew
Cary
Chandler, N.Y.
Church
Clark, Pa.
Classon
Coady
Crago
Crosser
Dale, N.Y.
Davidson
Davis
Dent
Dewalt
Dies
Dominick
Dooling
Doremus
Drukker
Dupre
Dyer
Eagan
Edmonds
Estopinal
Fairchild, B.L.
Fitzgerald
Flynn
Francis
Freeman
Gallagher
Gard
Garland
Garner
Gillett
Glynn
Gordon
Graham, Pa.
Gray, Ala.
Gray, N.J.
Greene, Mass.
Greene, Vt.
Griffin
Hamill
Hardy
Haskell
Heaton
Heflin
Huddleston
Hulbert
Hull, Iowa
Igoe
Juul
Kahn
Kennedy, R.I.
Key, Ohio
Lazaro
Lea, Cal.
Lehlbach
Lesher
Linthlicum
London
Lonergan
Longworth
Lufkin
McAndrews
McArthur
McLaughlin, Pa.
McLemore
Madden
Magee
Maher
Mansfield
Martin
Meeker
Merritt
Moore, Pa.
Morin
Mudd
Nichols, Mich.
Nolan
Oliver, N.Y.
O'Shaunessy
Overmyer
Parker, N.J.
Phelan
Porter
Pou
Ramsey
Riordan
Roberts
Rodenberg
Rouse
Sabath
Sanford
Scott, Pa.
Sherley
Sherwood
Siegel
Slayden
Small
Smith, C.B.
Smith, T.F.
Snyder
Stafford
Steele
Sullivan
Swift
Talbott
Templeton
Tilson
Van Dyke
Vare
Voigt
Waldow
Walsh
Ward
Watson, Pa.
Welty
Wilson, Tex.
Winslow

NOT VOTING—23

Bathrick
Blanton
Capstick
Chandler, Okla.
Curry, Cal.
Eagle
Fairchild, G.W.
Gallivan
Goodwin, Ark.
Hayes
Heintz
Husted
LaGuardia
Mann
Mason
Miller, Wash.
Neely
Rogers
Scully
Stephens, Nebr.
Tague
Taylor, Colo.
Tinkham

Source: *Congressional Record*, December 17, 1917, pp. 469–470.

Senate Vote—19th Amendment: Yeas 56; Nays 25; Not Voting 15

DATE: JUNE 4, 1919

YEAS—56

Ashurst
Capper
Chamberlain
Culberson
Cummins
Curtis
Edge
Elkins
Fall
Fernald
France
Frelinghuysen
Gronna
Hale
Harding
Harris
Henderson
Johnson, Calif.
Jones, N. Mex.
Jones, Wash.
Kellogg
Kendrick
Kenyon
Keyes
Kirby
La Follette
Lenroot
McCormick
McCumber
McKellar
McNary
Myers
Nelson
New
Newberry
Norris
Nugent
Page
Phelan
Phipps
Pittman
Poindexter
Ransdell
Sheppard
Sherman
Smith, Ariz.
Smoot
Spencer
Stanley
Sterling
Sutherland
Thomas
Walsh, Mass.
Walsh, Mont.
Warren
Watson

NAYS—25

Bankhead
Beckham
Borah
Brandegee
Dial
Dillingham
Fletcher
Gay
Harrison
Hitchcock
Knox
Lodge
McLean
Moses
Overman
Reed
Simmons
Smith, Md.
Smith, S.C.
Swanson
Trammell
Underwood
Wadsworth
Williams
Wolcott

NOT VOTING—15

Ball
Calder
Colt
Gerry
Hore
Johnson, S. Dak.
King
Martin
Owen
Penrose
Pomerene
Robinson
Shields
Smith, Ga.
Townsend

Source: *Congressional Record*, June 4, 1919, p. 635.

House of Representatives Vote—19th Amendment: Yeas 304; Nays 90; Not Voting 33; Present 1

DATE: MAY 21, 1919

YEAS—304

Ackerman
Alexander
Anderson
Andrews, Md.
Andrews, Nebr.
Anthony
Ashbrook
Aswell
Ayres
Babka
Bacharach
Baer
Barbour
Barkley
Bee
Begg
Benham
Bland, Ind.
Bland, Mo.
Blanton
Boies
Booher
Bowers
Box
Briggs
Britten
Brooks, Ill.
Browne
Burdick
Burroughs
Butler
Byrns, Tenn.
Campbell, Kans.
Campbell, Pa.
Cannon
Cantrill
Carew
Carss
Carter
Casey
Chindblom
Christopherson

Clark, Mo.
Classon
Cleary
Cole
Cooper
Copley
Costello
Cramton
Crowther
Culllen
Currie, Mich.
Curry, Calif.
Dallinger
Darrow
Davey
Davis, Minn.
Davis, Tenn.
Dempsey
Denison
Dickinson, Iowa
Dickinson, Mo.
Donovan
Dowell
Drane
Dunbar
Dyer
Eagan
Echols
Elliott
Ellsworth
Elston
Emerson
Esch
Evans, Mont.
Evans, Nebr.
Evans, Nev.
Fairfield
Ferris
Fess
Fields
Fisher
Fitzgerald
Fordney
Foster
Frear
Freeman
French
Fuller, Ill.
Fuller, Mass.
Gallagher
Gandy
Ganly
Godwin, N. C.
Goldfogle
Good
Goodall
Goodwin, Ark.
Goodykoontz
Graham, Ill.
Green, Iowa
Griest
Griffin
Hadley
Hamilton
Hardy, Colo.
Haskell
Hastings
Haugen
Hawley
Hayden
Hays
Hernandez
Hersey
Hersman
Hickey
Hicks
Hill
Hoch
Houghton
Howard
Hudspeth
Hulings
Husted
Hutchinson
Igoe
Ireland
Jacoway
Jefferis
Johnson, Ky.
Johnson, S. Dak.
Johnson, Wash.
Johnston, N. Y.
Jones, Pa.
Jones, Tex.
Juul
Kearns
Kelley, Mich.
Kendall
Kennedy, Iowa
Kennedy, R. I.
Kettner
Kiess
Kincheloe
King
Kinkaid
Kleczka
Knutson
Kraus
LaGuardia
Langley
Lanham
Layton
Lea, Calif.
Lehlbach
Linthicum
Little
Lonergan
Longworth
Lufkin
Luhring
McAndrews
McArthur
McClintic
McCulloch
McFadden
McGlennon
McKenzie
McKeown
McKiniry
McKinley
McLane
McLaughlin, Mich.
McLaughlin, Nebr.
MacCrate
MacGregor
Madden
Magee
Maher
Major
Mann
Mapes
Mason
Mays
Mead
Merritt
Michener
Miller
Minahan, N. J.
Monahan, Wis.
Mondell
Mooney
Moore, Ohio
Moores, Ind.
Morgan
Mott
Murphy
Neely
Nelson, Mo.
Nelson, Wis.
Newton, Minn.
Newton, Mo.
Nichols, Mich.
Nolan
O'Connell
Ogden
Oldfield
Oliver
Osborne
Padgett
Parker
Parrish
Pell
Peters
Phelan
Platt
Porter
Purnell
Rainey, H. T.
Rainey, J. W.
Raker
Ramseyer
Randall, Calif.
Randall, Wis.
Reavis
Reber
Reed, N. Y.
Reed, W. Va.
Rhodes
Ricketts
Riddick
Robsion, Ky.
Rodenberg
Rogers
Romjue
Rose
Rowan
Rowe
Rubey
Rucker
Sabath
Sanders, Ind.

Sanford
Schall
Scott
Sears
Sells
Sherwood
Shreve
Siegel
Sims
Sinclair
Sinnott
Slemp
Smith, Ill
Smith, Mich
Smith, N. Y
Smithwick
Snyder
Steenerson
Stiness
Strong, Kans
Strong, Pa
Summers, Wash
Sumners, Tex
Sweet
Taylor, Ark
Taylor, Colo
Taylor, Tenn
Temple
Thomas
Thompson, Ohio
Tillman
Timberlake
Tincher
Towner
Treadway
Upshaw
Valle
Vare
Vestal
Volstead
Walters
Ward
Wason
Weaver
Webster
Welling
Welty
Wheeler
White, Kans
White, Me
Williams
Wilson, Ill
Wilson, Pa
Wingo
Winslow
Wood, Ind
Woodyard
Yates
Young, N. Dak
Young, Tex
Zihlman

NAYS—90

Almon
Bankhead
Bell
Benson
Black
Blackmon
Bland, Va
Brand
Brinson
Brooks, Pa
Browning
Buchanan
Byrnes, S. C
Candler
Clark, Fla
Coady
Collier
Crisp
Dent
Dewalt
Dominick
Doremus
Doughton
Dunn
Eagle
Flood
Focht
Gard
Garland
Garner
Garrett
Greene, Mass
Hardy, Tex
Harrison
Heflin
Holland
Hull, Iowa
Hull, Tenn
Johnson, Miss
Kitchin
Lampert
Lankford
Lazaro
Lesher
Lever
Luce
McDuffie
Mansfield
Martin
Montague
Moon
Moore, Pa
Mudd
Nichols, S. C
Overstreet
Paige
Park
Pou
Radcliffe
Ragsdale
Rayburn
Riordan
Robinson, N. C
Rouse
Sanders, La
Sanders, N. Y
Saunders, Va
Sisson
Small
Steagall
Stedman
Steele
Stephens, Miss
Stephens, Ohio
Stevenson
Tilson
Tinkham
Venable
Vinson
Voigt
Walsh
Watkins
Watson, Pa
Watson, Va
Webb
Whaley
Wilson, La
Wise
Woods, Va
Wright

ANSWERED "PRESENT"—1

Greene, Vt

NOT VOTING—33

Brumbaugh
Burke
Caldwell
Caraway
Connally
Crago
Dale
Dooling
Dupre
Edmonds
Gallivan
Glynn
Gould
Graham, Pa
Hamill
Huddleston
Humphreys
James
Kahn
Kelly, Pa
Kreider

Larsen
Lee, Ga.
McPherson
Morin
Olney
Quin
Ramsey
Scully
Smith, Idaho
Snell
Sullivan
Thompson, Okla.

Source: *Congressional Record*, May 21, 1919, pp. 93-94.

SENATE VOTE—20TH AMENDMENT: YEAS 63; NAYS 7; NOT VOTING 25

DATE: JANUARY 6, 1932

YEAS—63

Ashurst
Austin
Barbour
Barkley
Blaine
Borah
Bratton
Brookhart
Bulow
Byrnes
Capper
Caraway
Connally
Coolidge
Copeland
Costigan
Couzens
Cutting
Davis
Dickinson
Dill
Fess
Fletcher
Frazier
George
Glenn
Gore
Hale
Harris
Hatfield
Hawes
Hayden
Hull
Johnson
Jones
Kean
Kendrick
Keyes
La Follette
Lewis
Logan
McGill
McKellar
McNary
Morrison
Neely
Norbeck
Norris
Nye
Robinson, Ark.
Robinson, Ind.
Sheppard
Shipstead
Steiwer
Thomas, Idaho
Thomas, Okla.
Tydings
Vandenberg
Wagner
Walsh, Mass.
Walsh, Mont.
Wheeler
White

NAYS—7

Dale
Goldsborough
Hebert
Metcalf
Patterson
Smith
Watson

NOT VOTING—25

Bailey
Bankhead
Bingham
Black
Broussard
Bulkley
Carey
Glass
Harrison
Hastings
Howell
King
Moses
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]ridge
Smoot
Stephens
Swanson
Townsend
Trammell
Walcott
Waterman

Source: *Congressional Record*, January 6, 1932, p. 1384.

HOUSE OF REPRESENTATIVES VOTE—20TH AMENDMENT: YEAS 336; NAYS 56; NOT VOTING 38; PRESENT 1

DATE: FEBRUARY 16, 1932

YEAS—336

Abernethy
Adkins
Allgood
Almon
Amlie
Andresen
Andrews, N.Y.
Arentz
Arnold
Auf der Heide
Ayres
Bacharach
Baldrige
Bankhead
Barbour
Barton
Beam
Beedy
Black
Bloom
Boehne
Bohn
Boileau
Boland

Bolton
Bowman
Boylan
Brand, Ga.
Brand, Ohio
Britten
Browning
Brunner
Buchanan
Buckbee
Burch
Butler
Byrns
Campbell, Iowa
Canfield
Cannon
Carden
Carley
Carter, Calif.
Carter, Wyo.
Cartwright
Cary
Cavicchia
Celler
Chapman
Chase
Chavez
Chindblom
Christgau
Christopherson
Clague
Clancy
Clark, N.C.
Clarke, N.Y.
Cochran, Mo.
Cole, Md.
Collins
Colton
Condon
Connery
Cooke
Cooper, Ohio
Cooper, Tenn.
Cox
Crail
Crisp
Cross
Crosser
Crowe
Crowther
Crump
Culkin
Cullen
Curry
Dallinger
Davenport
Davis
Delaney
DeRouen
Dickinson
Dickstein
Dies
Dieterich
Disney
Dominick
Douglass, Mass.
Dowell
Doxey
Drane
Driver
Dyer
Eaton, N.J.
Englebright
Eslick
Evans, Mont.
Fernandez
Flesinger
Fish
Fishburne
Fitzpatrick
Flannagan
Frear
Free
Freeman
Fulbright
Fuller
Fulmer
Garber
Gasque
Gavagan
Gibson
Gifford
Gilbert
Gilchrist
Gillen
Glover
Goldsborough
Goodwin
Goss
Granata
Granfield
Green
Greenwood
Gregory
Griffin
Griswold
Guyer
Hadley
Haines
Hall, Ill.
Hall, Miss.
Hall, N. Dak.
Hancock, N.Y.
Hancock, N.C.
Hardy
Hare
Harlan
Hart
Hartley
Hastings
Haugen
Hill, Ala.
Hill, Wash.
Hoch
Hogg, Ind.
Hogg, W. Va.
Holaday
Holmes
Hooper
Hope
Hopkins
Hornor
Horr
Howard
Huddleston
Hull, Morton D.
Hull, William E.
Igoe
Jacobsen
Jeffers
Jenkins
Johnson, Mo.
Johnson, Okla.
Johnson, Tex.
Johnson, Wash.
Jones
Kading
Karch
Keller
Kelly, Pa.
Kemp
Kendall
Kennedy
Kerr
Ketcham
Kleberg
Kniffin
Kopp
Kurtz
Kvale
LaGuardia
Lambertson
Lambeth
Lamneck
Lanham
Lankford, Ga.
Lankford, Va.
Larrabee
Leavitt
Lewis
Lichtenwalner
Lindsay
Linthicum
Lonergan
Lovette
Lozier
Luce
Ludlow
McClintic, Okla.
McClintock, Ohio
McCormack
McFadden
McGugin
McKeown
McLaughlin
McLeod
McMillan
McReynolds
McSwain
Maas
Major
Maloney
Mansfield
Mapes
Martin, Mass.
Martin, Oreg.
May
Mead
Michener
Millard
Miller

Milligan
Mitchell
Montet
Moore, Ky.
Morehead
Mouser
Nelson, Me.
Nelson, Wis.
Nolan
Norton, Nebr.
O'Connor
Oliver, Ala.
Oliver, N.Y.
Overton
Palmisano
Parker, Ga.
Parks
Parsons
Partridge
Patman
Patterson
Peavey
Person
Pettengill
Pittenger
Polk
Pou
Prall
Pratt, Ruth
Purnell
Ragon
Rainey
Ramseyer
Ramspeck
Rankin
Rayburn
Reed, N.Y.
Reilly
Robinson
Rogers, N.H.
Romjue
Rudd
Sabath
Sanders, Tex.
Sandlin
Schafer
Schneider
Schuetz
Seger
Selvig
Shallenberger
Shannon
Simmons
Sinclair
Sirovich
Smith, Idaho
Smith, Va.
Smith, W. Va.
Snow
Somers, N.Y.
Sparks
Spence
Stafford
Stalker
Steagall
Stevenson
Steward
Strong, Pa.
Sullivan, N.Y.
Summers, Wash.
Sumners, Tex.
Sutphin
Swank
Swanson
Swick
Swing
Tarver
Taylor, Colo.
Thatcher
Thomason
Thurston
Tierney
Timberlake
Turpin
Underwood
Vestal
Vinson, Ga.
Vinson, Ky.
Warren
Wason
Weaver
Weeks
Welch, Calif.
West
White
Whittington
Williams, Mo.
Williams, Tex.
Williamson
Wilson
Wingo
Withrow
Wolcott
Wolverton
Wood, Ga.
Woodruff
Wright
Wyant
Yates
Yon

NAYS—56

Aldrich
Allen
Andrew, Mass.
Bachmann
Bacon
Beck
Beers
Bland
Blanton
Brumm
Bulwinkle
Burdick
Chiperfield
Cole, Iowa
Coyle
Darrow
De Priest
Doutrich
Eaton, Colo.
Erk
Evans, Calif.
Finley
Foss
French
Golder
Hawley
Hess
Hollister
Houston, Del.
Kahn
Kinzer
Larsen
Loofbourow
Montague
Murphy
Parker, N.Y.
Ransley
Rich
Rogers, Mass.
Sanders, N.Y.
Seiberling
Shott
Shreve
Stokes
Taber
Temple
Tilson
Tinkham
Treadway
Tucker
Underhill
Watson
Welsh, Pa.
Wigglesworth
Wolfenden
Woodrum

ANSWERED "PRESENT"—1

Snell

NOT VOTING—38

Briggs
Busby
Cable
Campbell, Pa.
Cochran, Pa.
Collier

Connolly
Corning
Doughton
Douglas, Ariz.
Drewry
Estep
Gambrill
Garrett
James
Johnson, Ill.
Johnson, S. Dak.
Kelly, Ill.
Knutson
Lea
Lehlbach
McDuffie
Magrady
Manlove
Moore, Ohio
Nelson, Mo.
Niedringhaus
Norton, N.J.
Owen
Perkins
Pratt, Harcourt J.
Reid, Ill.
Strong, Kans.
Sullivan, Pa.
Sweeney
Taylor, Tenn.
Whitley
Wood, Ind.

Source: *Congressional Record*, February 16, 1932, p. 4060.

SENATE VOTE—21ST AMENDMENT: YEAS 63; NAYS 23

DATE: FEBRUARY 16, 1933

YEAS—63

Ashurst
Austin
Bailey
Bankhead
Barbour
Barkley
Bingham
Black
Blaine
Bratton
Bulkley
Bulow
Byrnes
Clark
Connally
Coolidge
Couzens
Cutting
Davis
Dill
Fletcher
Frazier
Glenn
Grammer
Hale
Harrison
Hastings
Hayden
Hebert
Hull
Johnson
Kean
Kendrick
Keyes
King
La Follette
Lewis
McKellar
McNary
Metcalf
Moses
Neely
Nye
Oddie
Patterson
Pittman
Reed
Reynolds
Robinson, Ark.
Russell
Shipstead
Shortridge
Smith
Swanson
Trammell
Tydings
Vandenberg
Wagner
Walcott
Walsh, Mass.
Walsh, Mont.
Watson
White

NAYS—23

Borah
Brookhart
Capper
Caraway
Costigan
Dale
Dickinson
Glass
Goldsborough
Gore
Hatfield
Logan
McGill
Norbeck
Norris
Robinson, Ind.
Schuyler
Sheppard
Smoot
Steiwer
Stephens
Thomas, Okla.
Townsend

NOT VOTING—10

Broussard
Carey
Copeland
Fess
George
Howell
Long
Schall
Thomas, Idaho
Wheeler

Source: *Congressional Record*, February 16, 1933, p. 4231.

House of Representatives Vote—21st Amendment: Yeas 289; Nays 121; Not Voting 16

DATE: FEBRUARY 20, 1933

YEAS—289

Abernethy
Aldrich
Allgood
Almon
Amlie
Andresen
Andrew, Mass
Andrews, N.Y.
Arentz
Arnold
Auf der Heide
Bacharach
Bachmann
Bacon
Baldrige
Bankhead
Barbour
Barton
Beam
Beck
Black
Bland
Bloom
Boehne
Bohn
Boileau
Boland
Bolton
Boylan
Briggs
Britten
Brumm
Brunner
Buchanan
Buckbee
Bulwinkle
Burch
Burdick
Byrns
Campbell, Iowa
Campbell, Pa.
Canfield
Cannon
Carden
Carley
Carter, Calif.
Carter, Wyo.
Cary
Castellow
Cavicchia
Celler
Chapman
Chase
Chavez
Chindblom
Clague
Clancy
Clark, N.C.
Cochran, Mo.
Cole, Md.
Collier
Condon
Connery
Connolly
Cooke
Corning
Cox
Coyle
Cross
Crosser
Crowe
Crump
Cullen
Curry
Darrow
Davis, Pa.
Davis, Tenn.
Delaney
De Priest
DeRouen
Dickinson
Dickstein
Dies
Dieterich
Disney
Doughton
Douglas, Ariz.
Douglass, Mass
Doutrich
Drane
Drewry
Dyer
Eagle
Eaton, N.J.
Englebright
Erk
Estep
Evans, Mont.
Fernandez
Fiesinger
Fish
Fishburne
Fitzpatrick
Flannagan
Flood
Foss
Freeman
Fulbright
Fuller
Fulmer
Gambril
Gasque
Gavagan
Gibson
Gifford
Gilbert
Gillen
Golder
Goss
Granfield
Green
Gregory
Griffin
Griswold
Hadley
Haines
Hancock, N.Y.
Hancock, N.C.
Harlan
Hart
Hartley
Hastings
Hess
Hill, Ala.
Hill, Wash.
Hollister
Holmes
Hooper
Hopkins
Horr
Howard
Huddleston
Hull, William E.
Igoe
Jacobsen
James
Jeffers
Johnson, Mo.
Johnson, S. Dak.
Johnson, Tex.
Johnson, Wash.
Jones
Kading
Kahn, F.L.
Keller
Kelly, Ill.
Kemp
Kennedy, Md.
Kennedy, N.Y.
Kerr
Kleberg
Kniffin
Kunz
Kvale
LaGuardia
Lambeth
Lamneck
Lanham
Lankford, Va.
Larrabee
Lea
Lehlback
Lewis
Lichtenwainer
Lindsay
Lonergan
Loofbourow
Lozier
McCormack
McDuffie

McLeod
McMillan
McReynolds
McSwain
Major
Maloney
Mansfield
Martin, Mass.
Martin, Oreg.
May
Mead
Michener
Millard
Miller
Milligan
Mitchell
Montet
Moore, Ky.
Nelson, Mo.
Nelson, Wis.
Niedringhaus
Nolan
Norton, N.J.
O'Connor
Oliver, Ala.
Oliver, N.Y.
Overton
Owen
Palmisano
Parker, Ga.
Parker, N.Y.
Parks
Parsons
Peavey
Perkins
Person
Pettengill
Pittenger
Polk
Pou
Prall
Pratt, Harcourt J.
Pratt, Ruth
Purnell
Ragon
Rainey
Ramspeck
Ransley
Rayburn
Reilly
Rogers, Mass.
Rogers, N.H.
Romjue
Rudd
Sabath
Schafer
Schneider
Schuetz
Seger
Selvig
Shannon
Shreve
Sinclair
Sirovich
Smith, Va.
Smith, W. Va.
Snell
Somers, N.Y.
Spence
Stafford
Steagall
Stewart
Stokes
Stull
Sullivan, N.Y.
Sullivan, Pa.
Sumners, Tex.
Sutphin
Sweeney
Taylor, Colo.
Thomason
Tierney
Tinkham
Treadway
Turpin
Underwood
Vinson, Ga.
Vinson, Ky.
Warren
Watson
Weaver
Welch
West
White
Whitley
Whittington
Wigglesworth
Williams, Mo.
Williams, Tex.
Wingo
Withrow
Wolcott
Wolfenden
Wolverton
Wood, Ga.
Woodruff
Woodrum
Wyant
Yon

NAYS—121

Adkins
Allen
Ayres
Beedy
Biddle
Blanton
Bowman
Brand, Ohio
Browning
Burtness
Busby
Cable
Cartwright
Chiperfield
Christopherson
Clarke, N.Y.
Cochran, Pa.
Cole, Iowa
Collins
Colton
Cooper, Ohio
Cooper, Tenn.
Crail
Crowther
Culkin
Davenport
Dominick
Dowell
Doxey
Driver
Eaton, Colo.
Ellzey
Eslick
Evans, Calif.
Finley
Frear
French
Garber
Gilchrist
Goldsborough
Greenwood
Guyer
Hall, Ill.
Hall, N. Dak.
Hardy
Haugen
Hawley
Hoch
Hogg, Ind.
Hogg, W. Va.
Holaday
Hope
Houston, Del.
Jenkins
Johnson, Okla.
Kelly, Pa.
Ketcham
Kinzer
Kopp
Kurtz
Lambertson
Lankford, Ga.
Leavitt
Lovette
Luce
Ludlow
McClintic, Okla.
McClintock, Ohio
McFadden
McGugin
McKeown
Magrady
Manlove
Mapes
Mobley
Moore, Ohio
Morehead
Mouser
Murphy
Nelson, Me.
Norton, Nebr.

Partridge
Patman
Patterson
Ramseyer
Rankin
Reed, N.Y.
Rich
Robinson
Sanders, N.Y.
Sanders, Tex.
Sandlin
Seiberling
Shallenberger
Shott
Simmons
Snow
Sparks
Stalker
Strong, Kans.
Strong, Pa.
Summers, Wash.
Swank
Swanson
Swick
Swing
Taber
Tarver
Taylor, Tenn.
Temple
Thatcher
Thurston
Timberlake
Underhill
Wason
Weeks
Williamson
Wilson
Wood, Ind.
Wright
Yates

NOT VOTING—116

Brand, Ga.
Christgau
Free
Glover
Hall, Miss.
Hare
Hornor
Hull, Morton D.
Johnson, Ill.
Knutson
Larsen
Maas
Montague
Reid, Ill.
Smith, Idaho
Stevenson

Source: *Congressional Record*, February 20, 1933, p. 4516.

SENATE VOTE—22ND AMENDMENT: YEAS 59; NAYS 23; NOT VOTING 13

DATE: MARCH 12, 1947

YEAS—59

Aiken
Baldwin
Ball
Brewster
Bricker
Bridges
Brooks
Buck
Bushfield
Byrd
Capehart
Capper
Cooper
Cordon
Donnell
Dworshak
Eastland
Ecton
Ferguson
Flanders
George
Gurney
Hawkes
Hickenlooper
Hoey
Ives
Jenner
Johnson, Colo.
Kem
Knowland
Langer
Lodge
McCarthy
McClellan
McKellar
Martin
Maybank
Millikin
Moore
Morse
O'Conor
O'Daniel
Reed
Revercomb
Robertson, Va.
Saltonstall
Smith
Taft
Thomas, Okla.
Thye
Tydings
Vandenberg
Watkins
Wherry
White
Wiley
Williams
Wilson
Young

NAYS—23

Connally
Downey
Ellender
Fulbright
Green
Hayden
Hill
Holland
Johnston, S.C.
Kilgore
Lucas
McFarland
McGrath
McMahon
Magnuson
Murray
Myers
Pepper
Sparkman
Stewart
Taylor
Thomas, Utah
Umstead

NOT VOTING—13

Barkley
Butler
Cain
Chavez
Hatch
McCarran
Malone
O'Mahoney
Overton
Robertson, Wyo.
Russell
Tobey
Wagner

Source: *Congressional Record*, March 12, 1947, p. 1978.

HOUSE OF REPRESENTATIVES VOTE—22ND AMENDMENT: YEAS 285; NAYS 121; NOT VOTING 26

DATE: FEBRUARY 6, 1947

YEAS—285

Allen, Calif.
Allen, Ill.
Allen, La.
Andersen, H. Carl
Anderson, Calif.
Andreson, August H.
Andrews, N.Y.
Angell
Arends
Arnold
Auchincloss
Bakewell
Banta
Barden
Barrett
Beall
Bell
Bender
Bennett, Mich.
Bennett, Mo.
Bishop
Blackney
Boggs, Del.
Bolton
Boykin
Bradley, Calif.
Bradley, Mich.
Brehm
Brooks
Brophy
Brown, Ohio
Buck
Buffett
Burke
Busbey
Butler
Byrnes, Wis.
Canfield
Carson
Case, N.J.
Case, S. Dak.
Chadwick
Chapman
Chenoweth
Chiperfield
Church
Clason
Clevenger
Clippinger
Coffin
Cole, Kans.
Cole, N.Y.
Corbett
Cotton
Cox
Crawford
Crow
Cunningham
Curtis
Dague
Davis, Ga.
Dawson, Utah
Devitt
D'Ewart
Dirksen
Dolliver
Domengeaux
Dondero
Dorn
Doughton
Drewry
Eaton
Elliott
Ellis
Ellsworth
Elsaesser
Elston
Engel, Mich.
Engle, Calif.
Fellows
Fenton
Fisher
Fletcher
Foote
Fuller
Fulton
Gallagher
Gamble
Gathings
Gavin
Gearhart
Gerlach
Gifford
Gillette
Gillie
Goff
Goodwin
Gossett
Graham
Grant, Ind.
Griffiths
Gross
Gwinn, N.Y.
Gwynne, Iowa
Hale
Hall, Edwin Arthur
Hall, Leonard W.
Halleck
Hand
Harness, Ind.
Hart
Hartley
Hedrick
Herter
Heselton
Hess
Hill
Hinshaw
Hoeven
Hoffman
Holmes
Hope
Horan
Howell
Hull
Jackson, Calif.
Jarman
Javits
Jenison
Jenkins, Ohio
Jenkins, Pa.
Jennings
Jensen
Johnson, Calif.
Johnson, Ill.
Johnson, Ind.
Jones, N.C.
Jones, Ohio
Jones, Wash.
Jonkman
Judd
Kean
Kearney
Kearns
Keating
Keefe
Kennedy
Kersten, Wis.
Kilburn
Kilday
Knutson
Kunkel
Landis
Larcade
Latham
Lea
LeCompte
LeFevre
Lemke
Lewis
Lodge
Love
McConnell
McCowen
McDonough
McDowell
McGarvey
McGregor
McMahon
McMillen, Ill.
MacKinnon
Macy
Maloney
Mansfield, Tex.

Martin, Iowa
Mason
Mathews
Meade, Ky.
Meade, Md.
Merrow
Meyer
Michener
Miller, Conn.
Miller, Md.
Miller, Nebr.
Mitchell
Morton
Muhlenberg
Mundt
Murray, Tenn.
Murray, Wis.
Nixon
Nodar
Norblad
Norman
O'Hara
O'Konski
Owens
Pace
Patterson
Philbin
Phillips, Calif.
Phillips, Tenn.
Ploeser
Plumley
Poage
Poulson
Ramey
Rankin
Redden
Reed, Ill.
Reed, N.Y.
Rees
Reeves
Rich
Richards
Riehlman
Riley
Rivers
Rizley
Robertson
Robison
Rockwell
Rogers, Fla.
Rogers, Mass.
Rohrbough
Ross
Russell
Sadlak
St. George
Sanborn
Sarbacher
Schwabe, Mo.
Schwabe, Okla.
Scoblick
Scott, Hardie
Scott, Hugh D., Jr.
Scrivner
Seely-Brown
Shafer
Short
Simpson, Ill.
Simpson, Pa.
Smathers
Smith, Kans.
Smith, Maine
Smith, Ohio
Smith, Va.
Smith, Wis.
Snyder
Springer
Stanley
Stefan
Stevenson
Stockman
Stratton
Sundstrom
Taber
Talle
Taylor
Thomas, N. J.
Tibbott
Tollefson
Towe
Twyman
Vail
Van Zandt
Vinson
Vorys
Vursell
Wadsworth
Welchel
Welch
West
Wheeler
Whittington
Wigglesworth
Wilson, Ind.
Wilson, Tex.
Wolcott
Wolverton
Wood
Woodruff
Worley
Youngblood

NAYS—121

Abernethy
Albert
Almond
Andrews, Ala.
Bates, Ky.
Beckworth
Bland
Blatnik
Bloom
Boggs, La.
Bonner
Brown, Ga.
Bryson
Buchanan
Bulwinkle
Burleson
Byrne, N.Y.
Camp
Cannon
Celler
Chelf
Colmer
Combs
Cooley
Courtney
Cravens
Crosser
D'Alesandro
Davis, Tenn.
Deane
Delaney
Dingell
Donohue
Douglas
Durham
Eberharter
Evins
Fallon
Feighan
Fernandez
Flannagan
Fogarty
Folger
Forand
Gary
Gordon
Gore
Granger
Grant, Ala.
Gregory
Harless, Ariz.
Harris
Harrison
Havenner
Hays
Hendricks
Hobbs
Holifield
Huber
Jackson, Wash.
Johnson, Okla.
Johnson, Tex.
Jones, Ala.
Karsten, Mo.
Kee
Kefauver
King
Kirwan
Klein
Lane
Lanham
Lesinski
Lucas
Lusk
Lyle
Lynch
McCormack
McMillan, S.C.
Madden
Mahon
Manasco

Mansfield, Mont.
Marcantonio
Miller, Calif.
Mills
Monroney
Morgan
Morris
Murdock
Norton
O'Brien
O'Toole
Passman
Patman
Peden
Peterson
Pfeifer
Pickett
Powell
Price, Fla.
Price, Ill.
Priest
Rabin
Rains
Rayburn
Rooney
Sabath
Sheppard
Sikes
Somers
Spence
Stigler
Teague
Thomas, Tex.
Thomason
Trimble
Walter
Whitten
Williams
Winstead
Zimmerman

NOT VOTING—26

Bates, Mass.
Battle
Bramblett
Buckley
Carroll
Clark
Clements
Cole, Mo.
Cooper
Coudert
Dawson, Ill.
Gorski
Hagen
Hardy
Hebert
Heffernan
Kelley
Keogh
Kerr
Morrison
Norrell
Potts
Preston
Rayfiel
Sadowski
Sasscer

Source: *Congressional Record,* February 6, 1947, p. 872.

SENATE VOTE—23RD AMENDMENT: YEAS 70; NAYS 18, NOT VOTING 12

DATE: FEBRUARY 2, 1960

YEAS—70

Aiken
Allott
Anderson
Bartlett
Beall
Bible
Brunsdale
Bush
Byrd, W. Va.
Cannon
Carlson
Carroll
Case, N.J.
Case, S. Dak.
Chavez
Church
Clark
Cooper
Cotton
Dirksen
Dodd
Douglas
Dworshak
Engle
Fong
Frear
Gore
Green
Gruening
Hart
Hartke
Hayden
Hennings
Holland
Hruska
Humphrey
Jackson
Javits
Johnson, Tex.
Jordan
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Hawaii
Long, La.
McCarthy
McNamara
Magnuson
Martin
Monroney
Morse
Morton
Mundt
Muskie
Pastore
Prouty
Proxmire
Randolph
Saltonstall
Schoeppel
Scott
Smith
Symington
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—18

Bridges
Butler
Byrd, Va.
Curtis
Ellender
Ervin
Fulbright
Goldwater
Hickenlooper
Hill
Johnston, S.C.
McClellan
Robertson
Russell
Stennis
Talmadge
Thurmond
Young, N. Dak.

NOT VOTING—12

Bennett
Capehart
Eastland
Kennedy
McGee
Mansfield
Moss
Murray
Neuberger
O'Mahoney
Smathers
Sparkman

Source: *Congressional Record*, February 2, 1960, p. 1765.

House of Representatives Vote—23rd Amendment

DATE: JUNE 14, 1960

"The **Speaker** pro tempore. The question is on the passage of the joint resolution.

"The question was taken: and (two thirds having voted in favor thereof) the joint resolution was passed."

Source: *Congressional Record*: June 14, 1960, p. 12571.

Senate Vote—24th Amendment: Yeas 77; Nays 16, Not Voting 7

DATE: MARCH 27, 1962

YEAS—77

Aiken
Allott
Anderson
Beall
Bible
Boggs
Burdick
Bush
Byrd, W. Va.
Cannon
Carlson
Carroll
Case, N.J.
Chavez
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Dworshak
Engle
Fong
Goldwater
Gruening
Hart
Hartke
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Jackson
Javits
Jordan
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Murphy
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Symington
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—16

Byrd, Va.
Eastland
Ellender
Ervin
Fulbright
Hickey
Hill
Johnston
McClellan
Robertson
Russell
Sparkman
Stennis
Talmadge
Thurmond
Tower

NOT VOTING—7

Bartlett
Bennett
Butler
Capehart
Case, S. Dak.
Gore
Young, N. Dak.

Source: *Congressional Record*, March 27, 1962, p. 5105.

House of Representatives Vote—24th Amendment: Yeas 294; Nays 86; Not Voting 54, Present 1

DATE: AUGUST 27, 1962

YEAS—294

Addabbo
Albert
Anderson, Ill.
Anfuso
Ashbrook
Ashley
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Barrett
Barry
Bass, Tenn.
Bates
Becker
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Betts
Boggs
Boland
Bow
Brademas
Bray
Breeding
Brewster
Brooks, Tex.
Broomfield
Brown
Broyhill
Bruce
Buckley
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Cahmberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Clark
Cohelan
Conte
Cook
Corbett
Corman
Curtin
Daddario
Dague
Daniels
Davis, Tenn.
Delaney
Dent
Denton
Derounian
Derwinski
Diggs
Dingell
Dole
Doyle
Dulski
Durno
Dwyer
Edmondson
Fallon
Farbstein
Fascell
Feighan
Fenton
Finnegan
Fino
Flood
Fogarty
Ford
Frelinghuysen
Friedel
Fulton
Gallagher
Garmatz
Gavin
Giaimo
Gilbert
Glenn
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Hagen, Calif.
Haley
Halleck
Halpern
Hansen
Harding
Hardy
Harrison, Wyo.
Harsha
Harvey, Ind.
Harvey, Mich.
Hays
Healey
Hechler
Hoeven
Hoffman, Ill.
Holifield
Holland
Horan
Hosmer
Hull
Ichord, Mo.
Inouye
Jarman
Jennings
Jensen
Joelson
Johnson, Calif.
Johnson, Md.
Johnson, Wis.
Jonas
Judd
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Lane
Langen
Lankford
Latta
Lesinski
Libonati
Lindsay
Lipscomb
Loser
McCulloch
McDonough
McFall
McIntire
McVey
MacGregor
Mack
Madden
Magnuson
Mailliard
Marshall
Martin, Mass.
Martin, Nebr.
Mathias
May
Meader
Michel
Miller, Clem
Miller, George P.

Miller, N.Y.
Milliken
Minshall
Moeller
Monagan
Montoya
Moore
Moorhead, Pa.
Morgan
Morse
Mosher
Moss
Moulder
Multer
Murphy
Natcher
Nedzi
Nelsen
Nix
Norblad
Nygaard
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Pelly
Perkins
Pfost
Philbin
Pike
Pillion
Pirnie
Poff
Price
Pucinski
Quie
Randall
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. George
St. Germain
Santangelo
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Scranton
Shelley
Sheppard
Shipley
Shriver
Sibal
Siler
Slack
Smith, Calif.
Smith, Iowa
Spence
Springer
Stafford
Staggers
Steed
Stubblefield
Sullivan
Taber
Taylor
Teague, Calif.
Thomas
Thompson, N.J.
Thomson, Wis.
Thornberry
Toll
Tollefson
Tupper
Udall, Morris K.
Ullman
Vanik
Van Zandt
Wallhauser
Walter
Watts
Weaver
Weis
Westland
Whalley
Wharton
Whitener
Wickersham
Widnall
Yates
Young
Younger
Zablocki
Zelenko

NAYS—86

Abbitt
Abernethy
Alexander
Alford
Alger
Andrews
Ashmore
Battin
Beckworth
Beermann
Berry
Bonner
Boykin
Bromwell
Burleson
Casey
Colmer
Cooley
Curtis, Mo.
Davis, John W.
Devine
Dorn
Dowdy
Downing
Elliott
Everett
Fisher
Flynt
Forrester
Fountain
Frazier
Gary
Gathings
Goodell
Grant
Hagan, Ga.
Harris
Harrison, Va.
Hemphill
Henderson
Herlong
Hiestand
Huddleston
Johansen
Jones, Ala.
Jones, Mo.
Kilgore
Landrum
Lennon
McSween
Mahon
Matthews
Mills
Murray
Norrell
Passman
Patman
Poage
Purcell
Rains
Ray
Reifel
Riley
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rogers, Tex.
Rousselot
Scott
Selden
Short
Sikes
Smith, Va.
Stephens
Teague, Tex.

Thompson, Tex.
Trimble
Tuck
Van Pelt
Vinson
Waggonner
Whitten
Williams
Willis
Winstead
Wright

ANSWERED "PRESENT"—1

Reece

NOT VOTING—54

Adair
Andersen, Minn.
Arends
Baring
Bass, N.H.
Blatnik
Blitch
Bolling
Bolton
Cannon
Coad
Collier
Cramer
Cunningham
Curtis, Mass.
Davis, James C.
Dawson
Dominick
Donohue
Dooley
Ellsworth
Evins
Findley
Garland
Granahan
Hall
Hebert
Hoffman, Mich.
Kearns
Kilburn
Kitchin
McDowell
McMillan
Macdonald
Mason
Merrow
Moorehead, Ohio
Morris
Morrison
O'Brien, Ill.
Peterson
Pilcher
Powell
Saund
Scherer
Seely-Brown
Sisk
Smith, Miss.
Stratton
Thompson, La.
Utt
Wilson, Calif.
Wilson, Ind.

Source: *Congressional Record*, August 27, 1962, p. 17670.

SENATE VOTE—25TH AMENDMENT: YEAS 72; NAYS 0; NOT VOTING 28

DATE: FEBRUARY 19, 1965

Aiken
Allott
Bartlett
Bass
Bayh
Bennett
Bogs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cotton
Curtis
Dirksen
Dodd
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Harris
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Kennedy, N.Y.
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Montoya
Morse
Mundt
Pastore
Pearson
Pell
Prouty
Randolph
Robertson
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—28

Anderson
Bible
Clark
Cooper
Dominick
Fulbright
Gore
Gruening
Javits

Johnston
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kuchel
Miller
Mondale
Morton
Moss
Murphy
Muskie
Nelson
Neuberger
Proxmire
Ribicoff
Russell
Smathers
Symington
Williams, N.J.

Source: *Congressional Record*, February 19, 1965, p. 3286.

House of Representatives Vote—25th Amendment: Yeas 368; Nays 29; Not Present 36

DATE: APRIL 13, 1965

YEAS—368

Abbitt
Abernathy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews Glenn
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Bandstra
Barrett
Bates
Battin
Beckworth
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Cameron
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Fascell
Feighan
Findley
Fisher
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gover
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho

Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hungate
Huot
Irvin
Jacobs
Jarman
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Poff
Pool
Powell
Price
Pucinski
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thompson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian

Waggonner
Walker, N. Mex.
Watkins
Watts
Whalley
White, Idaho
Whitener
Widnall
Willis
Wilson, Bob
Wilson,
  Charles H.
Wolff
Wright
Wyatt
Wydler
Young
Younger
Zablocki

NAYS—29

Andrews,
  Geroge W.
Baring
Brown, Ohio
Buchanan
Callaway
Dent
Dorn
Flynt
Fountain
Gallagher
Gonzalez
Gross
Hays
Henderson
Hull
Hutchinson
Ichord
McMillan
Martin, Ala.
Mathias
O'Neal, Ga.
Passman
Patman
Rogers, Tex.
Teague, Tex.
Walker, Miss.
White, Tex.
Whitten
Williams

NOT VOTING—36

Andrews,
  N. Dak.
Baldwin
Belcher
Bolling
Bonner
Carey
Colmer
Dawson
Evins, Tenn.
Farnum
Fino
Fraser
Fulton, Tenn.
Gubser
Harvey, Ind.
Hebert
Jennings
Joelson
Jones, Ala.
Kirwan
Kluczynski
Martin, Mass.
Michel
Nelsen
Nix
Pirnie
Purcell
Roosevelt
Rostenkowski
Scott
Shipley
Smith, Va.
Stalbaum
Toll
Weltner
Yates

Source: *Congressional Record*, April 13, 1965, pp. 7968–7969.

SENATE VOTE—26TH AMENDMENT: YEAS 94; NAYS 0; NOT VOTING 6

DATE: MARCH 10, 1971

YEAS—94

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bensten
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson

Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker

Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Taft

Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—6

Gravel
Harris

Hatfield
Jordan, N.C.

Mundt
Muskie

Source: *Congressional Record*, March 10, 1971, p. 5830.

HOUSE OF REPRESENTATIVES VOTE—26TH AMENDMENT: YEAS 401; NAYS 19; NOT VOTING 12

DATE: MARCH 23, 1971

YEAS—401

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco

Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter

Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
duPont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood

Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli

Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—19

Burleson, Tex.
Clawson, Del
Fisher
Gettys
Goldwater
Green, Oreg.
Gross
Hall
Hebert
Hutchinson
Mayne
Michel
Poage
Rarick
Rousselot
Schmitz
Steiger, Ariz.
Wiggins
Wyatt

NOT VOTING—12

Clay
Corbett
Dent
Dowdy
Edwards, La.
Green, Pa.
Hanna
Landgrebe
McCulloch
Mink
Roberts
Rooney, N.Y.

Source: *Congressional Record*, March 23, 1971, pp. 7569-7570.